



# **FISCAL COUNCIL PROPOSED COMMITTEE BILLS**

- **PCB 05-02 – Implementing Bill**
- **PCB 05-03 – Distribution of Documentary Tax Proceeds**
- **PBC 05-04 – Education Funding**
- **PCB 05-05 – Health Care**
- **PCB 05-06 – Economic Eligibility Services**
- **PCB 05-07 – Health Care Professionals**
- **PCB 05-08 – Corrections Funding**
- **PCB 05-09 – Retirement**
- **PCB 05-10 – Farm Labor Laws**
- **PCB 05-11 – Procurement of Commodities or Contractual Services**
- **PCB 05-12 – Employee Benefits**

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1                   A bill to be entitled  
2       An act implementing the 2005-2006 General Appropriations  
3       Act; providing legislative intent; amending s. 1013.62,  
4       F.S.; deleting a provision providing for the allocation of  
5       charter school capital outlay funds if the appropriation  
6       for such funds is greater than the 2002-2003  
7       appropriation; creating s. 1004.065, F.S.; providing a  
8       limitation on university and direct-support organization  
9       financings; amending s. 394.908, F.S.; providing for  
10      substance abuse and mental health funding equity as  
11      provided in the General Appropriations Act; including  
12      funds appropriated for projects in specific locations in  
13      the base funding of such locations when calculating the  
14      distribution of funds under the equity formula; amending  
15      s. 287.057, F.S.; authorizing the Department of Children  
16      and Family Services to contract with a private provider  
17      for a mental health treatment facility; amending s.  
18      381.79, F.S.; providing for use of funds in the Brain and  
19      Spinal Cord Injury Program Trust Fund for spinal cord  
20      injury and brain injury research at the University of  
21      Miami; amending s. 402.33, F.S.; suspending authority of  
22      the Department of Children and Family Services to use  
23      funds in excess of fee collections; authorizing the  
24      Department of Corrections and the Department of Juvenile  
25      Justice to make certain expenditures to defray costs  
26      incurred by a municipality or county as a result of  
27      opening or operating a facility under authority of the  
28      respective department; amending s. 216.262, F.S.;  
29      providing for additional positions to operate additional  
30      prison bed capacity under certain circumstances; providing

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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31        for the transfer of a specified building to the Department  
32        of Corrections for additional prison beds; authorizing the  
33        Executive Office of the Governor to transfer funds between  
34        departments for purposes of aligning amounts paid for risk  
35        management premiums and for purposes of aligning amounts  
36        paid for human resource management services; amending s.  
37        112.061, F.S.; providing for computation of travel time  
38        and reimbursement for public officers' and employees'  
39        travel; amending s. 376.3071, F.S.; providing for use of  
40        funds from the Inland Protection Trust Fund to clean up  
41        certain petroleum contaminated sites and to purchase  
42        generators for emergency fuel supply; amending s.  
43        373.4137, F.S.; providing for water management districts  
44        to use specified funds in certain surface water  
45        improvement and management or invasive plant control  
46        projects; amending s. 120.551, F.S.; continuing Internet  
47        publication of certain notices of the Department of  
48        Environmental Protection and the Board of Trustees of the  
49        Internal Improvement Trust Fund; creating the Florida Pork  
50        Producers Transition Grant Program within the Department  
51        of Agriculture and Consumer Services; entitling certain  
52        persons using farming methods described in the Florida  
53        Constitution on a certain date to apply for a grant;  
54        providing a cap on such grants and authorizing the  
55        department to adopt rules to implement the grant program;  
56        amending s. 320.08058, F.S.; authorizing proceeds from the  
57        Professional Sports Development Trust Fund to be used for  
58        operational expenses of the Florida Sports Foundation and  
59        financial support of the Sunshine State Games; amending s.  
60        445.048, F.S.; requiring that Workforce Florida, Inc.,

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61        expand the Passport to Economic Progress demonstration  
62        program to a statewide program; authorizing Workforce  
63        Florida, Inc., to designate regional workforce boards to  
64        participate in the program; deleting a provision relating  
65        to the disregard of income for purposes of determining  
66        eligibility for cash assistance; requiring that Workforce  
67        Florida, Inc., offer incentive bonuses; providing  
68        requirements for such bonuses; providing that such bonuses  
69        are not an entitlement; requiring Workforce Florida, Inc.,  
70        to submit evaluations and recommendations for the program  
71        as part of its annual report to the Legislature; amending  
72        s. 253.034, F.S.; authorizing deposit of funds from the  
73        sale of property by the Department of Highway Safety and  
74        Motor Vehicles located in Palm Beach and Orange Counties;  
75        amending s. 402.3017, F.S.; requiring the Agency for  
76        Workforce Innovation to administer Teacher Education and  
77        Compensation Helps (TEACH) scholarship program; amending  
78        s. 265.702, F.S.; providing a limit on the annual amount  
79        of individual cultural facilities grants; amending s.  
80        287.057, F.S.; exempting certain voter education  
81        activities from competitive-solicitation requirements;  
82        authorizing transfer of certain funds from the courts to  
83        the Justice Administrative Commission to meet certain  
84        shortfalls in due process appropriations; providing for  
85        expenditure of funds from the Working Capital Fund to  
86        offset deficiencies in due process services; reenacting s.  
87        215.32(2)(b), F.S., relating to the source and use of  
88        trust funds; providing for future repeal or expiration of  
89        various provisions; providing for reversion of certain  
90        provisions; providing effect of veto of specific

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91 appropriation or proviso to which implementing language  
92 refers; incorporating by reference specified performance  
93 measures and standards directly linked to the  
94 appropriations made in the 2005-2006 General  
95 Appropriations Act, as required by the Government  
96 Performance and Accountability Act of 1994; providing  
97 applicability to other legislation; providing  
98 severability; providing an effective date.  
99

100 Be It Enacted by the Legislature of the State of Florida:  
101

102 Section 1. It is the intent of the Legislature that the  
103 implementing and administering provisions of this act apply to  
104 the General Appropriations Act for fiscal year 2005-2006.

105 Section 2. In order to implement Specific Appropriation 17  
106 of the 2005-2006 General Appropriations Act, subsection (7) of  
107 section 1013.62, Florida Statutes, is amended to read:

108 1013.62 Charter schools capital outlay funding.--

109 (7) Notwithstanding the provisions of this section,  
110 beginning in the 2003-2004 fiscal year:

111 (a) If the appropriation for charter school capital outlay  
112 funds is no greater than the 2002-2003 appropriation, the funds  
113 shall be allocated according to the formula outlined in  
114 subsection (1) to:

115 1. The same schools that received funding in 2002-2003.

116 2. Schools that are an expanded feeder pattern of schools  
117 that received funding in 2002-2003.

118 3. Schools that have an approved charter and are serving  
119 students at the start of the 2003-2004 school year and either  
120 incurred long-term financial obligations prior to January 31,

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2003, or began construction on educational facilities prior to December 31, 2002.

(b) If the appropriation for charter school capital outlay funds is less than the 2002-2003 appropriation, the funds shall be prorated among the schools eligible in paragraph (a).

~~(c) If the appropriation for charter school capital outlay funds is greater than the 2002-2003 appropriation, the amount of funds provided in the 2002-2003 appropriation shall be allocated according to paragraph (a). First priority for allocating the amount in excess of the 2002-2003 appropriation shall be to prorate the excess funds among the charter schools with long-term debt or long-term lease to the extent that the initial allocation is insufficient to provide one-fifteenth of the cost per student station specified in s. 1013.64(6)(b), and second priority shall be to other eligible charter schools.~~

Section 3. The amendment of subsection (7) of s. 1013.62, Florida Statutes, by this act shall expire on July 1, 2006, and the text of that section shall revert to that in existence on June 30, 2005, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 4. In order to implement section 11 of the 2005-2006 General Appropriations Act, section 1004.065, Florida Statutes, is created to read:

1004.065 Limitation on university and direct-support organization financings.--No project may be financed by or on behalf of a university or a direct-support organization pursuant to s. 1001.74(5), s. 1004.28(6), s. 1010.60(2), s. 1013.15, s.

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151   1013.16, s. 1013.17, s. 1013.171, s. 1013.74, or s. 1013.78, or  
 152   through any financing mechanism, including, but not limited to,  
 153   revenue bonds, promissory notes, certificates of participation,  
 154   lease-purchase agreements, or any other form of indebtedness,  
 155   without prior approval of the project by the Legislature by an  
 156   act relating to appropriations or general law. This section  
 157   expires July 1, 2006.

158       Section 5. In order to implement Specific Appropriations  
 159       325-328, 332-336, 351, and 354 of the 2005-2006 General  
 160       Appropriations Act, subsection (8) of section 394.908, Florida  
 161       Statutes, is amended to read:

162       394.908 Substance abuse and mental health funding equity;  
 163       distribution of appropriations.--In recognition of the historical  
 164       inequity among service districts of the former Department of  
 165       Health and Rehabilitative Services in the funding of substance  
 166       abuse and mental health services, and in order to rectify this  
 167       inequity and provide for equitable funding in the future  
 168       throughout the state, the following funding process shall be  
 169       adhered to:

170       (8) For fiscal year 2005-2006 ~~2004-2005~~ only, and  
 171       notwithstanding the provisions of this section, all new funds  
 172       received in excess of fiscal year 2004-2005 ~~2003-2004~~ recurring  
 173       appropriations shall be allocated in accordance with the  
 174       provisions of the General Appropriations Act; however, no  
 175       district shall receive an allocation of recurring funds less than  
 176       its initial approved operating budget, plus any distributions of  
 177       lump sum appropriations or reductions in unfunded budget, for  
 178       fiscal year 2004-2005 ~~2003-2004~~. Funds appropriated for projects  
 179       in specific locations in the General Appropriations Act shall be  
 180       included in the base funding of the respective district when

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181     calculating the distribution of funds under the equity formula.

182     This subsection expires July 1, 2006 ~~2005~~.

183             Section 6. In order to implement Specific Appropriations  
184     395-404 of the 2005-2006 General Appropriations Act, paragraph  
185     (b) of subsection (14) of section 287.057, Florida Statutes, is  
186     amended to read:

187             287.057 Procurement of commodities or contractual  
188     services.--

189             (14)

190             (b) Notwithstanding paragraph (a), the Department of  
191     Children and Family Services may enter into agreements, not to  
192     exceed 20 years, with a private provider to finance, design, and  
193     construct a treatment facility, as defined in s. 394.455, of at  
194     least 200 beds and to operate all aspects of daily operations  
195     within the treatment facility. The selected contractor is  
196     authorized to sponsor the issuance of tax-exempt certificates of  
197     participation or other securities to finance the project, and the  
198     state is authorized to enter into a lease-purchase agreement for  
199     the treatment facility. The Department of Children and Family  
200     Services shall begin the implementation of this privatization  
201     initiative by January 1, 2006 ~~2005~~. This paragraph expires July  
202     1, 2006 ~~2005~~.

203             Section 7. In order to implement Specific Appropriation 595  
204     of the 2005-2006 General Appropriations Act, subsection (3) of  
205     section 381.79, Florida Statutes, is amended to read:

206             381.79 Brain and Spinal Cord Injury Program Trust Fund.--

207             (3)(a) Annually, 5 percent of the revenues deposited  
208     monthly in the fund pursuant to s. 318.21(2)(d) shall be  
209     appropriated to the University of Florida and 5 percent to the  
210     University of Miami for spinal cord injury and brain injury



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research. The amount to be distributed to the universities shall be calculated based on the deposits into the fund for each quarter in the fiscal year, but may not exceed \$500,000 per university per year. Funds distributed under this subsection shall be made in quarterly payments at the end of each quarter during the fiscal year.

(b) For the 2005-2006 ~~2004-2005~~ fiscal year only, and notwithstanding paragraph (a), revenues deposited in the fund pursuant to s. 318.21(2)(d) may be appropriated for spinal cord injury and brain injury research at the University of Miami. The amount appropriated in the 2005-2006 ~~2004-2005~~ General Appropriations Act shall be distributed in equal quarterly payments at the end of each quarter during the fiscal year. This paragraph expires July 1, 2006 ~~2005~~.

Section 8. In order to implement Specific Appropriations 238-404 of the 2005-2006 General Appropriations Act, paragraph (b) of subsection (10) of section 402.33, Florida Statutes, is amended to read:

402.33 Department authority to charge fees for services provided.--

(10)

(b) For the 2005-2006 ~~2004-2005~~ fiscal year only, the provisions of paragraph (a) shall not apply. This paragraph expires July 1, 2006 ~~2005~~.

Section 9. In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 676, 688, 698, and 1136 of the 2005-2006 General Appropriations Act, the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and

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241 associated with opening or operating a facility under the  
242 authority of the respective department which is located within  
243 that municipality or county. The amount that is to be paid under  
244 this section for any facility may not exceed 1 percent of the  
245 facility construction cost, less building impact fees imposed by  
246 the municipality or by the county if the facility is located in  
247 the unincorporated portion of the county. This section expires  
248 July 1, 2006.

249 Section 10. In order to implement Specific Appropriations  
250 666-761 and 797-827 of the 2005-2006 General Appropriations Act,  
251 subsection (4) of section 216.262, Florida Statutes, is amended  
252 to read:

253 216.262 Authorized positions.--

254 (4) Notwithstanding the provisions of this chapter on  
255 increasing the number of authorized positions, and for the 2005-  
256 2006 ~~2004-2005~~ fiscal year only, if the actual inmate population  
257 of the Department of Corrections exceeds the inmate population  
258 projections of the February 16, 2005 ~~2004~~, Criminal Justice  
259 Estimating Conference by 1 percent for 2 consecutive months or 2  
260 percent for any month, the Executive Office of the Governor, with  
261 the approval of the Legislative Budget Commission, shall  
262 immediately notify the Criminal Justice Estimating Conference,  
263 which shall convene as soon as possible to revise the estimates.  
264 The Department of Corrections may then submit a budget amendment  
265 requesting the establishment of positions in excess of the number  
266 authorized by the Legislature and additional appropriations from  
267 the General Revenue Fund or the Working Capital Fund sufficient  
268 to provide for essential staff and other resources to provide  
269 classification, security, food services, health services, and  
270 other variable expenses within the institutions to accommodate

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the estimated increase in the inmate population. All actions taken pursuant to the authority granted in this subsection shall be subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, 2006 ~~2005~~.

Section 11. In order to implement Specific Appropriation 751 of the 2005-2006 General Appropriations Act, the Department of Children and Family Services shall transfer the Tramell Building on the grounds of the Florida State Hospital to the Department of Corrections to be used for 953 additional prison beds.

Section 12. In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2005-2006 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2005-2006 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2006.

Section 13. In order to implement the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2005-2006 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide

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Contract" of the 2005-2006 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2006.

Section 14. In order to implement sections 2 through 7 of the 2005-2006 General Appropriations Act, paragraph (c) of subsection (5) and paragraph (d) of subsection (6) of section 112.061, Florida Statutes, are amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.--

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.--For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(c) For the 2005-2006 ~~2004-2005~~ fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, 2006 ~~2005~~.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.--For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are divided into the following groups and rates:

(d) For the 2005-2006 ~~2004-2005~~ fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, 2006 ~~2005~~.

Section 15. In order to implement Specific Appropriation 1742, subsection (14) is added to section 376.3071, Florida

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Statutes, to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.--

(14) ADDITIONAL USES OF FUNDS FOR SPECIFIED FISCAL YEAR.--Notwithstanding subsection (4) and s. 376.30711, for the 2005-2006 fiscal year only funds from the Inland Protection Trust Fund may be used to clean up petroleum contaminated sites registered in a state-funded program that have been identified as viable affordable housing sites by the Department of Community Affairs together with local governments and may be used to purchase generators for emergency fuel supply. This subsection expires July 1, 2006.

Section 16. In order to implement Specific Appropriation 1590 of the 2005-2006 General Appropriations Act, paragraph (c) of subsection (4) of section 373.4137, Florida Statutes, is amended to read:

373.4137 Mitigation requirements.--

(4) Prior to December 1 of each year, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, transportation authorities established pursuant to chapter 348 or chapter 349, and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. This plan shall also address significant invasive plant problems within wetlands and other surface waters. In developing such plans, the districts shall utilize sound ecosystem management practices to address significant water

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361 resource needs and shall focus on activities of the Department of  
362 Environmental Protection and the water management districts, such  
363 as surface water improvement and management (SWIM) waterbodies  
364 and lands identified for potential acquisition for preservation,  
365 restoration, and enhancement, to the extent that such activities  
366 comply with the mitigation requirements adopted under this part  
367 and 33 U.S.C. s. 1344. In determining the activities to be  
368 included in such plans, the districts shall also consider the  
369 purchase of credits from public or private mitigation banks  
370 permitted under s. 373.4136 and associated federal authorization  
371 and shall include such purchase as a part of the mitigation plan  
372 when such purchase would offset the impact of the transportation  
373 project, provide equal benefits to the water resources than other  
374 mitigation options being considered, and provide the most cost-  
375 effective mitigation option. The mitigation plan shall be  
376 preliminarily approved by the water management district governing  
377 board and shall be submitted to the secretary of the Department  
378 of Environmental Protection for review and final approval. The  
379 preliminary approval by the water management district governing  
380 board does not constitute a decision that affects substantial  
381 interests as provided by s. 120.569. At least 30 days prior to  
382 preliminary approval, the water management district shall provide  
383 a copy of the draft mitigation plan to any person who has  
384 requested a copy.

385 (c) Surface water improvement and management or invasive  
386 plant control projects undertaken using the \$12 million advance  
387 transferred from the Department of Transportation to the  
388 Department of Environmental Protection in fiscal year 1996-1997  
389 which meet the requirements for mitigation under this part and 33  
390 U.S.C. s. 1344 shall remain available for mitigation until the

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391 \$12 million is fully credited up to and including fiscal year  
392 2006-2007 ~~2005-2006~~. When these projects are used as mitigation,  
393 the \$12 million advance shall be reduced by \$75,000 per acre of  
394 impact mitigated. For any fiscal year through and including  
395 fiscal year 2006-2007 ~~2005-2006~~, to the extent the cost of  
396 developing and implementing the mitigation plans is less than the  
397 amount transferred pursuant to subsection (3), the difference  
398 shall be credited towards the \$12 million advance. Except as  
399 provided in this paragraph, any funds not directed to implement  
400 the mitigation plan should, to the greatest extent possible, be  
401 directed to fund invasive plant control within wetlands and other  
402 surface waters.

403 Section 17. In order to implement Specific Appropriation  
404 1690 of the 2004-2005 General Appropriations Act, subsection (3)  
405 of section 120.551, Florida Statutes, is amended to read:

406 120.551 Internet publication.--

407 (3) This section is repealed effective July 1, 2006 ~~2005~~,  
408 unless reviewed and reenacted by the Legislature before that  
409 date.

410 Section 18. (1) In order to implement Specific  
411 Appropriation 1453A of the 2005-2006 General Appropriations Act,  
412 there is hereby created the Florida Pork Producers Transition  
413 Grant Program within the Department of Agriculture and Consumer  
414 Services to provide assistance to any person or persons or  
415 entities that were using farming methods described in Article X,  
416 Section 21 of the Florida Constitution on November 5, 2002. The  
417 purpose of the program is to assist Florida pork producers in  
418 reducing encumbered debt on stranded investment in equipment and  
419 in transitioning into other farming or agriculture activities.

420 (2) Any person or persons or entities that were using

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421 farming methods described in Article X, Section 21 of the Florida  
422 Constitution on November 5, 2002, are entitled to apply for a  
423 grant from the program if that person or entity signs a letter of  
424 intent to cease or has ceased using farming methods described in  
425 Article X, Section 21 of the Florida Constitution on land within  
426 this state and agrees in writing to continue to use the land as  
427 actively engaged in an agricultural or farming activity other  
428 than pork production until at least November 2008.

429 (3) The department shall provide grants of not more than  
430 \$275,000 to each person or persons or entities who meet the  
431 criteria for the program and who enter into such a letter of  
432 intent with the department, on a first-come first-served basis;  
433 provided that the application for the grant is made on or before  
434 December 29, 2005. The department may adopt rules to implement  
435 the Florida Pork Producers Transition Grant Program.

436 (4) This section expires July 1, 2006.

437 Section 19. In order to implement Specific Appropriation  
438 2501 of the 2005-2006 General Appropriations Act, paragraph (b)  
439 of subsection (9) of section 320.08058, Florida Statutes, is  
440 amended to read:

441 320.08058 Specialty license plates.--

442 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.--

443 (b) The license plate annual use fees are to be annually  
444 distributed as follows:

445 1. Fifty-five percent of the proceeds from the Florida  
446 Professional Sports Team plate must be deposited into the  
447 Professional Sports Development Trust Fund within the Office of  
448 Tourism, Trade, and Economic Development. These funds must be  
449 used solely to attract and support major sports events in this  
450 state. As used in this subparagraph, the term "major sports



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451 events" means, but is not limited to, championship or all-star  
452 contests of Major League Baseball, the National Basketball  
453 Association, the National Football League, the National Hockey  
454 League, the men's and women's National Collegiate Athletic  
455 Association Final Four basketball championship, or a horseracing  
456 or dogracing Breeders' Cup. All funds must be used to support and  
457 promote major sporting events, and the uses must be approved by  
458 the Florida Sports Foundation.

459       2. The remaining proceeds of the Florida Professional  
460 Sports Team license plate must be allocated to the Florida Sports  
461 Foundation, a direct-support organization of the Office of  
462 Tourism, Trade, and Economic Development. These funds must be  
463 deposited into the Professional Sports Development Trust Fund  
464 within the Office of Tourism, Trade, and Economic Development.  
465 These funds must be used by the Florida Sports Foundation to  
466 promote the economic development of the sports industry; to  
467 distribute licensing and royalty fees to participating  
468 professional sports teams; to promote education programs in  
469 Florida schools that provide an awareness of the benefits of  
470 physical activity and nutrition standards; to partner with the  
471 Department of Education and the Department of Health to develop a  
472 program that recognizes schools whose students demonstrate  
473 excellent physical fitness or fitness improvement; to institute a  
474 grant program for communities bidding on minor sporting events  
475 that create an economic impact for the state; to distribute funds  
476 to Florida-based charities designated by the Florida Sports  
477 Foundation and the participating professional sports teams; and  
478 to fulfill the sports promotion responsibilities of the Office of  
479 Tourism, Trade, and Economic Development.

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3. The Florida Sports Foundation shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.

4. For the 2005-2006 ~~2004-2005~~ fiscal year only and notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games. This subparagraph expires July 1, 2006 ~~2005~~.

Section 20. In order to implement Specific Appropriation 2121 of the 2005-2006 General Appropriations Act, section 445.048, Florida Statutes, as amended by section 53 of chapter 2004-269, Laws of Florida, is amended to read:

445.048 Passport to Economic Progress ~~demonstration~~ program.--

(1) AUTHORIZATION.--Notwithstanding any law to the contrary, Workforce Florida, Inc., in conjunction with the Department of Children and Family Services and the Agency for Workforce Innovation, shall implement a Passport to Economic Progress ~~demonstration~~ program by ~~November 1, 2001~~, consistent with the provisions of this section ~~in Hillsborough and Manatee counties~~. Workforce Florida, Inc., may designate regional workforce boards to participate in the program. Expenses for the program may come from appropriated revenues or from funds

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otherwise available to a regional workforce board which may be legally used for such purposes. Workforce Florida, Inc., must consult with the applicable regional workforce boards and the applicable local offices of the Department of Children and Family Services which serve the demonstration areas and must encourage community input into the implementation process.

(2) WAIVERS.--If Workforce Florida, Inc., in consultation with the Department of Children and Family Services, finds that federal waivers would facilitate implementation of the demonstration program, the department shall immediately request such waivers, and Workforce Florida, Inc., shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives if any refusal of the federal government to grant such waivers prevents the implementation of the demonstration program. If Workforce Florida, Inc., finds that federal waivers to provisions of the Food Stamp Program would facilitate implementation of the demonstration program, the Department of Children and Family Services shall immediately request such waivers in accordance with s. 414.175.

~~(3) INCOME DISREGARD.--In order to provide an additional incentive for employment, and notwithstanding the amount specified in s. 414.095(12), for individuals residing in the areas designated for this demonstration program, the first \$300 plus one-half of the remainder of earned income shall be disregarded in determining eligibility for temporary cash assistance. All other conditions and requirements of s. 414.095(12) shall continue to apply to such individuals.~~

(3)~~(4)~~ TRANSITIONAL BENEFITS AND SERVICES.--In order to assist them in making the transition to economic self-sufficiency, former recipients of temporary cash assistance

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residing within the areas designated for this demonstration program shall be eligible for the following benefits and services:

(a) Notwithstanding the time period specified in s. 445.030, transitional education and training support services as specified in s. 445.030 for up to 4 years after the family is no longer receiving temporary cash assistance;

(b) Notwithstanding the time period specified in s. 445.031, transitional transportation support services as specified in s. 445.031 for up to 4 years after the family is no longer receiving temporary cash assistance; and

(c) Notwithstanding the time period specified in s. 445.032, transitional child care as specified in s. 445.032 for up to 4 years after the family is no longer receiving temporary cash assistance.

All other provisions of ss. 445.030, 445.031, and 445.032 shall apply to such individuals, as appropriate. This subsection does not constitute an entitlement to transitional benefits and services. If funds are insufficient to provide benefits and services under this subsection, the board of directors of Workforce Florida, Inc., or its agent, may limit such benefits and services or otherwise establish priorities for the provisions of such benefits and services.

~~(4)(5)~~ INCENTIVES TO ECONOMIC SELF-SUFFICIENCY WAGE  
SUPPLEMENTATION.--

(a) The Legislature finds that:

1. There are former recipients of temporary cash assistance who are working full time but whose incomes are below the federal poverty level.

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570 2. Having incomes below the federal poverty level makes  
571 such individuals particularly vulnerable to reliance on public  
572 assistance despite their best efforts to achieve or maintain  
573 economic independence through employment.

574 3. It is necessary to implement a performance-based program  
575 that defines economic incentives for achieving specific  
576 benchmarks toward self-sufficiency while the individual is  
577 working full-time ~~supplement the wages of such individuals for a~~  
578 ~~limited period of time in order to assist them in fulfilling the~~  
579 ~~transition to economic self-sufficiency.~~

580 (b) Workforce Florida, Inc., in cooperation with the  
581 Department of Children and Family Services and the Agency for  
582 Workforce Innovation, shall offer performance-based incentive  
583 bonuses ~~create a transitional wage supplementation program by~~  
584 ~~November 1, 2001,~~ as a component of the Passport to Economic  
585 Progress ~~demonstration program in the areas designated for the~~  
586 ~~demonstration program. This wage supplementation program does not~~  
587 ~~constitute an entitlement to wage supplementation. The bonuses do~~  
588 not represent a program entitlement and shall be contingent on  
589 achieving specific benchmarks prescribed in the self-sufficiency  
590 plan. If the funds appropriated for this purpose are insufficient  
591 to provide this financial incentive ~~wage supplementation,~~ the  
592 board of directors of Workforce Florida, Inc., may reduce or  
593 suspend the bonuses in order not to exceed the appropriation or  
594 may direct the regional boards to use resources otherwise given  
595 to the regional workforce to pay such bonuses if such payments  
596 comply with applicable state and federal laws ~~limit wage~~  
597 ~~supplementation or otherwise establish priorities for wage~~  
598 ~~supplementation.~~

599 (c) To be eligible for an incentive bonus ~~wage~~

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CODING: Words stricken are deletions; words underlined are additions.

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600 ~~supplementation~~ under this subsection, an individual must:

601 1. Be a former recipient of temporary cash assistance who  
602 last received such assistance on or after January 1, 2000;

603 2. Be employed full time, which for the purposes of this  
604 subsection means employment averaging at least 32 hours per week,  
605 until the United States Congress enacts legislation reauthorizing  
606 the Temporary Assistance for Needy Families block grant and,  
607 after the reauthorization, means employment complying with the  
608 employment requirements of the reauthorization; and

609 3. Have an average family income for the 6 months preceding  
610 the date of application for an incentive bonus wage  
611 ~~supplementation~~ which is less than 200 ~~100~~ percent of the federal  
612 poverty level.

613 ~~(d) Workforce Florida, Inc., shall determine the schedule~~  
614 ~~for the payment of wage supplementation under this subsection. An~~  
615 ~~individual eligible for wage supplementation under this~~  
616 ~~subsection may receive a payment that equals the amount necessary~~  
617 ~~to bring the individual's total family income for the period~~  
618 ~~covered by the payment to 100 percent of the federal poverty~~  
619 ~~level. An individual may not receive wage supplementation~~  
620 ~~payments for more than a total of 12 months.~~

621 ~~(e) The wage supplementation program authorized by this~~  
622 ~~subsection shall be administered through the regional workforce~~  
623 ~~boards and the one-stop delivery system, under policy guidelines,~~  
624 ~~eriteria, and applications developed by Workforce Florida, Inc.,~~  
625 ~~in cooperation with the Department of Children and Family~~  
626 ~~Services and the Agency for Workforce Innovation. To the maximum~~  
627 ~~extent possible, the regional workforce boards shall use~~  
628 ~~electronic debit card technologies to provide wage~~  
629 ~~supplementation payments under this program.~~

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630        ~~(5)(6)~~ EVALUATIONS AND RECOMMENDATIONS.--Workforce Florida,  
631 Inc., in conjunction with the Department of Children and Family  
632 Services, the Agency for Workforce Innovation, and the regional  
633 workforce boards ~~in the areas designated for this demonstration~~  
634 ~~program~~, shall conduct a comprehensive evaluation of the  
635 effectiveness of the ~~demonstration~~ program operated under this  
636 section. Evaluations and recommendations for the program shall be  
637 submitted by Workforce Florida, Inc., as part of its annual  
638 report to the Legislature. By January 1, 2003, Workforce Florida,  
639 ~~Inc., shall submit a report on such evaluation to the Governor,~~  
640 ~~the President of the Senate, and the Speaker of the House of~~  
641 ~~Representatives. The report must include recommendations as to~~  
642 ~~whether the demonstration program should be expanded to other~~  
643 ~~service areas or statewide and whether the program should be~~  
644 ~~revised to enhance its administration or effectiveness.~~

645        ~~(6)(7)~~ CONFLICTS.--If there is a conflict between the  
646 implementation procedures described in this section and federal  
647 requirements and regulations, federal requirements and  
648 regulations shall control.

649        Section 21. The amendment of s. 445.048, Florida Statutes,  
650 by this act shall expire on July 1, 2006, and the text of that  
651 section shall revert to that in existence on June 30, 2005,  
652 except that any amendments to such text enacted other than by  
653 this act shall be preserved and continue to operate to the extent  
654 that such amendments are not dependent upon the portions of such  
655 text which expire pursuant to the provisions of this act.

656        Section 22. In order to implement section 31 of the 2005-  
657 2006 General Appropriations Act, subsection (13) of section  
658 253.034, Florida Statutes, is amended to read:

659        253.034 State-owned lands; uses.--

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660           (13) Notwithstanding the provisions of this section, funds  
661 from the sale of property by the Department of Highway Safety and  
662 Motor Vehicles located in Palm Beach County is ~~and Orange~~  
663 ~~Counties are~~ authorized to be deposited into the Highway Safety  
664 Operating Trust Fund to facilitate the exchange as provided in  
665 the General Appropriations Act, provided that at the conclusion  
666 of both exchanges the values are equalized. This subsection  
667 expires July 1, 2006 ~~2005~~.

668           Section 23. In order to implement proviso language in  
669 Specific Appropriation 2162G of the 2005-2006 General  
670 Appropriations Act, subsection (4) of section 402.3017, Florida  
671 Statutes, is amended to read:

672           402.3017 Teacher Education and Compensation Helps (TEACH)  
673 scholarship program.--

674           (4) For the 2005-2006 ~~2004-2005~~ fiscal year only, the  
675 Agency for Workforce Innovation shall administer this section.  
676 This subsection expires July 1, 2006 ~~2005~~.

677           Section 24. In order to implement Specific Appropriation  
678 2982B of the 2005-2006 General Appropriations Act, paragraph (b)  
679 of subsection (7) of section 265.702, Florida Statutes, is  
680 amended to read:

681           265.702 Regional cultural facilities; grants for  
682 acquisition, renovation, or construction; funding; approval;  
683 allocation.--

684           (7)

685           (b) For the 2005-2006 ~~2004-2005~~ fiscal year only, the  
686 annual amount of a grant made under this section may not exceed  
687 the amount specified in the General Appropriations Act or the  
688 amount specified in paragraph (a), whichever is less. This  
689 paragraph expires July 1, 2006 ~~2005~~.



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690           Section 25. In order to implement Specific Appropriation  
691 2930 of the 2005-2006 General Appropriations Act, paragraph (f)  
692 of subsection (5) of section 287.057, Florida Statutes, is  
693 amended to read:

694           287.057 Procurement of commodities or contractual  
695 services.--

696           (5) When the purchase price of commodities or contractual  
697 services exceeds the threshold amount provided in s. 287.017 for  
698 CATEGORY TWO, no purchase of commodities or contractual services  
699 may be made without receiving competitive sealed bids,  
700 competitive sealed proposals, or competitive sealed replies  
701 unless:

702           (f) The following contractual services and commodities are  
703 not subject to the competitive-solicitation requirements of this  
704 section:

- 705           1. Artistic services.
- 706           2. Academic program reviews.
- 707           3. Lectures by individuals.
- 708           4. Auditing services.
- 709           5. Legal services, including attorney, paralegal, expert  
710 witness, appraisal, or mediator services.

711           6. Health services involving examination, diagnosis,  
712 treatment, prevention, medical consultation, or administration.

713           7. Services provided to persons with mental or physical  
714 disabilities by not-for-profit corporations which have obtained  
715 exemptions under the provisions of s. 501(c)(3) of the United  
716 States Internal Revenue Code or when such services are governed  
717 by the provisions of Office of Management and Budget Circular A-  
718 122. However, in acquiring such services, the agency shall

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consider the ability of the vendor, past performance, willingness to meet time requirements, and price.

8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Agency for Health Care Administration. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed by the agency.

9. Family placement services.

10. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.

11. Training and education services provided to injured employees pursuant to s. 440.491(6).

12. Contracts entered into pursuant to s. 337.11.

13. Services or commodities provided by governmental agencies.

14. Voter education activities of the Department of State or the supervisors of elections funded by Specific Appropriation 2930 2871H of the 2005-2006 ~~2004-2005~~ General Appropriations Act, either individually or in the aggregate or with their respective professional associations. This subparagraph expires July 1, 2006 ~~2005~~.

Section 26. In order to implement Specific Appropriation 2999 of the 2005-2006 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177,

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749 Florida Statutes, funds in Specific Appropriation 2999 of the  
750 2005-2006 General Appropriations Act may be transferred from the  
751 courts to the Justice Administrative Commission in order to  
752 address unanticipated shortfalls in due process services  
753 appropriations in excess of the contingency fund provided in  
754 Specific Appropriation 2999 of the 2005-2006 General  
755 Appropriations Act. This section expires July 1, 2006.

756       Section 27. In order to implement Specific Appropriations  
757 836, 837, 839, 840, and 3020 of the 2005-2006 General  
758 Appropriations Act, if a deficit is projected by the Justice  
759 Administrative Commission or the state courts in any specific  
760 appropriation provided for due process services, the Governor or  
761 the Chief Justice of the Supreme Court, respectively, may submit  
762 a budget amendment for consideration by the Legislative Budget  
763 Commission to authorize the expenditure of funds from the Working  
764 Capital Fund to offset such deficiency. Any budget amendment  
765 submitted by the Governor to the Legislative Budget Commission  
766 shall contain certification by the Justice Administrative  
767 Commission that all actions required by s. 29.015, Florida  
768 Statutes, have been completed and that no funds exist in any  
769 contingency fund appropriation available to the entity projected  
770 to experience the deficiency. Any budget amendment submitted by  
771 the Supreme Court shall contain certification that the court has  
772 completed all actions required by s. 29.016, Florida Statutes,  
773 and that no funds exist in any contingency fund available to the  
774 state courts system. This section expires July 1, 2006.

775       Section 28. In order to implement the transfer of moneys to  
776 the Working Capital Fund from trust funds in the 2005-2006  
777 General Appropriations Act, paragraph (b) of subsection (2) of  
778 section 215.32, Florida Statutes, is reenacted to read:

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215.32 State funds; segregation.--

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established within a trust fund, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the

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809 requirement of using an administrative trust fund.

810       d. Grants and donations trust fund, for use as a depository  
811 for funds to be used for allowable grant or donor agreement  
812 activities funded by restricted contractual revenue from private  
813 and public nonfederal sources.

814       e. Agency working capital trust fund, for use as a  
815 depository for funds to be used pursuant to s. 216.272.

816       f. Clearing funds trust fund, for use as a depository for  
817 funds to account for collections pending distribution to lawful  
818 recipients.

819       g. Federal grant trust fund, for use as a depository for  
820 funds to be used for allowable grant activities funded by  
821 restricted program revenues from federal sources.

822

823 To the extent possible, each agency must adjust its internal  
824 accounting to use existing trust funds consistent with the  
825 requirements of this subparagraph. If an agency does not have  
826 trust funds listed in this subparagraph and cannot make such  
827 adjustment, the agency must recommend the creation of the  
828 necessary trust funds to the Legislature no later than the next  
829 scheduled review of the agency's trust funds pursuant to s.  
830 215.3206.

831       3. All such moneys are hereby appropriated to be expended  
832 in accordance with the law or trust agreement under which they  
833 were received, subject always to the provisions of chapter 216  
834 relating to the appropriation of funds and to the applicable laws  
835 relating to the deposit or expenditure of moneys in the State  
836 Treasury.

837       4.a. Notwithstanding any provision of law restricting the  
838 use of trust funds to specific purposes, unappropriated cash

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balances from selected trust funds may be authorized by the  
Legislature for transfer to the Budget Stabilization Fund and  
Working Capital Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required  
by federal programs or mandates; trust funds established for bond  
covenants, indentures, or resolutions whose revenues are legally  
pledged by the state or public body to meet debt service or other  
financial requirements of any debt obligations of the state or  
any public body; the State Transportation Trust Fund; the trust  
fund containing the net annual proceeds from the Florida  
Education Lotteries; the Florida Retirement System Trust Fund;  
trust funds under the management of the Board of Regents, where  
such trust funds are for auxiliary enterprises, self-insurance,  
and contracts, grants, and donations, as those terms are defined  
by general law; trust funds that serve as clearing funds or  
accounts for the Chief Financial Officer or state agencies; trust  
funds that account for assets held by the state in a trustee  
capacity as an agent or fiduciary for individuals, private  
organizations, or other governmental units; and other trust funds  
authorized by the State Constitution.

Section 29. A section of this act that implements a  
specific appropriation or specifically identified proviso  
language in the 2005-2006 General Appropriations Act is void if  
the specific appropriation or specifically identified proviso  
language is vetoed. A section of this act that implements more  
than one specific appropriation or more than one portion of  
specifically identified proviso language in the 2005-2006 General  
Appropriations Act is void if all the specific appropriations or  
portions of specifically identified proviso language are vetoed.

Section 30. If any other act passed in 2005 contains a

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869 provision that is substantively the same as a provision in this  
870 act, but that removes or is otherwise not subject to the future  
871 repeal applied to such provision by this act, the Legislature  
872 intends that the provision in the other act shall take precedence  
873 and shall continue to operate, notwithstanding the future repeal  
874 provided by this act.

875       Section 31. The agency performance measures and standards  
876 in the document entitled "Performance Measures and Standards  
877 Approved by the Legislature for Fiscal Year 2005-2006" dated  
878 April XX, 2005, and filed with the Clerk of the House of  
879 Representatives are incorporated by reference. Such performance  
880 measures and standards are directly linked to the appropriations  
881 made in the General Appropriations Act for fiscal year 2005-2006,  
882 as required by the Government Performance and Accountability Act  
883 of 1994. State agencies are directed to revise their long-range  
884 program plans required under s. 216.013, Florida Statutes, to be  
885 consistent with these performance measures and standards.

886       Section 32. If any provision of this act or its application  
887 to any person or circumstance is held invalid, the invalidity  
888 does not affect other provisions or applications of the act which  
889 can be given effect without the invalid provision or application,  
890 and to this end the provisions of this act are severable.

891       Section 33. Except as otherwise expressly provided in this  
892 act, this act shall take effect July 1, 2005; or, if this act  
893 fails to become a law until after that date, it shall take effect  
894 upon becoming a law and shall operate retroactively to July 1,  
895 2005.

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A bill to be entitled

An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; requiring that proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund; providing protection for bondholders; preserving the rights of holders of affordable housing guarantees; amending s. 259.032, F.S.; deleting specific references to the amount of funding to be available for land management; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.--All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Amounts as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to



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31 the credit of the Land Acquisition Trust Fund to be used for such  
 32 purposes. The amount transferred to the Land Acquisition Trust  
 33 Fund ~~for such purposes~~ shall not exceed \$300 million in fiscal  
 34 year 1999-2000 and thereafter for Preservation 2000 bonds and  
 35 bonds issued to refund Preservation 2000 bonds, and \$300 million  
 36 in fiscal year 2000-2001 and thereafter for Florida Forever  
 37 bonds. The annual amount transferred to the Land Acquisition  
 38 Trust Fund for Florida Forever bonds shall not exceed \$30 million  
 39 in the first fiscal year in which bonds are issued. The  
 40 limitation on the amount transferred shall be increased by an  
 41 additional \$30 million in each subsequent fiscal year, but shall  
 42 not exceed a total of \$300 million in any fiscal year for all  
 43 bonds issued. It is the intent of the Legislature that all bonds  
 44 issued to fund the Florida Forever Act be retired by December 31,  
 45 2030. Except for bonds issued to refund previously issued bonds,  
 46 no series of bonds may be issued pursuant to this paragraph  
 47 unless such bonds are approved and the debt service for the  
 48 remainder of the fiscal year in which the bonds are issued is  
 49 specifically appropriated in the General Appropriations Act. For  
 50 purposes of refunding Preservation 2000 bonds, amounts designated  
 51 within this section for Preservation 2000 and Florida Forever  
 52 bonds may be transferred between the two programs to the extent  
 53 provided for in the documents authorizing the issuance of the  
 54 bonds. The Preservation 2000 bonds and Florida Forever bonds  
 55 shall be equally and ratably secured by moneys distributable to  
 56 the Land Acquisition Trust Fund pursuant to this section, except  
 57 to the extent specifically provided otherwise by the documents  
 58 authorizing the issuance of the bonds. No moneys transferred to  
 59 the Land Acquisition Trust Fund pursuant to this paragraph, or

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earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

(b) The remainder of the moneys distributed under this subsection, after the required payment under paragraph (a), shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619.

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund and may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used. Payments made under this paragraph shall continue until the cumulative amount credited to the Land Acquisition Trust Fund for the fiscal year under this paragraph and paragraph (2)(b) equals 70 percent of the current official forecast for distributions of taxes collected under this chapter pursuant to subsection (2). As used in this paragraph, the term "current official forecast" means the most recent forecast as determined by the Revenue Estimating Conference. If the current official forecast for a fiscal year changes after payments under this paragraph have ended during that fiscal year, no further payments are required ~~under this paragraph~~ during the fiscal year.

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of the General Revenue Fund ~~of the state~~ to be used and expended for the purposes for which the General Revenue Fund was created

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and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11).

(2) The lesser of seven and fifty-six hundredths percent of the remaining taxes collected under this chapter or \$84,900,000 shall be used for the following purposes:

(a) Beginning in the month following the final payment for a fiscal year under paragraph (1)(c), available moneys shall be paid into the State Treasury to the credit of the General Revenue Fund ~~of the state~~ to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11). Payments made under this paragraph shall continue until the cumulative amount credited to the General Revenue Fund for the fiscal year under this paragraph equals the cumulative payments made under paragraph (1)(c) for the same fiscal year.

(b) The remainder of the moneys distributed under this subsection shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in the fund pursuant to this subsection may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used.

(3) The lesser of one and ninety-four hundredths percent of the remaining taxes collected under this chapter or \$26,000,000 shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Moneys deposited in the trust fund pursuant to this section shall be used ~~for the following purposes:~~

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120       ~~(a) Sixty percent of the moneys shall be used~~ to acquire  
121 coastal lands or to pay debt service on bonds issued to acquire  
122 coastal lands, ~~+~~ and

123       ~~(b) Forty percent of the moneys shall be used~~ to develop  
124 and manage lands acquired with moneys from the Land Acquisition  
125 Trust Fund.

126       (4) The lesser of four and two-tenths percent of the  
127 remaining taxes collected under this chapter or \$66,900.000 shall  
128 be paid into the State Treasury to the credit of the Water  
129 Management Lands Trust Fund. Sums deposited in that fund may be  
130 used for any purpose authorized in s. 373.59.

131       (5) The lesser of four and two-tenths percent of the  
132 remaining taxes collected under this chapter or \$66,900,000 shall  
133 be paid into the State Treasury to the credit of the Conservation  
134 and Recreation Lands Trust Fund to carry out the purposes set  
135 forth in s. 259.032. The lesser of nine and one-half percent of  
136 the amount credited to the Conservation and Recreation Lands  
137 Trust Fund pursuant to this subsection or \$5,900,000 shall be  
138 transferred to the State Game Trust Fund and used for land  
139 management activities.

140       (6) The lesser of two and twenty-eight hundredths percent  
141 of the remaining taxes collected under this chapter or  
142 \$29,400,000 shall be paid into the State Treasury to the credit  
143 of the Invasive Plant Control Trust Fund to carry out the  
144 purposes set forth in ss. 369.22 and 369.252.

145       (7) The lesser of one-half of one percent of the remaining  
146 taxes collected under this chapter or \$7,400,000 shall be paid  
147 into the State Treasury to the credit of the State Game Trust  
148 Fund to be used exclusively for the purpose of implementing the  
149 Lake Restoration 2020 Program.

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150           (8) The lesser of one-half of one percent of the remaining  
 151 taxes collected under this chapter or \$7,400,000 shall be paid  
 152 into the State Treasury and divided equally to the credit of the  
 153 Department of Environmental Protection Water Quality Assurance  
 154 Trust Fund to address water quality impacts associated with  
 155 nonagricultural nonpoint sources and to the credit of the  
 156 Department of Agriculture and Consumer Services General  
 157 Inspection Trust Fund to address water quality impacts associated  
 158 with agricultural nonpoint sources, respectively. These funds  
 159 shall be used for research, development, demonstration, and  
 160 implementation of suitable best management practices or other  
 161 measures used to achieve water quality standards in surface  
 162 waters and water segments identified pursuant to ~~ss. 303(d) of~~  
 163 the Clean Water Act, ~~Pub. L. No. 92-500,~~ 33 U.S.C. s. 1313(d) ~~ss.~~  
 164 ~~1251 et seq.~~ Implementation of best management practices and  
 165 other measures may include cost-share grants, technical  
 166 assistance, implementation tracking, and conservation leases or  
 167 other agreements for water quality improvement. The Department of  
 168 Environmental Protection and the Department of Agriculture and  
 169 Consumer Services may adopt rules governing the distribution of  
 170 funds for implementation of best management practices. The  
 171 unobligated balance of funds received from the distribution of  
 172 taxes collected under this chapter to address water quality  
 173 impacts associated with nonagricultural nonpoint sources will be  
 174 excluded when calculating the unobligated balance of the Water  
 175 Quality Assurance Trust Fund as it relates to the determination  
 176 of the applicable excise tax rate.

177           (9) Seven and forty-five ~~Seven and fifty-three~~ hundredths  
 178 percent of the remaining taxes collected under this chapter shall

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179 be paid into the State Treasury to the credit of the State  
180 Housing Trust Fund and shall be used as follows:

181       (a) Half of that amount shall be used for the purposes for  
182 which the State Housing Trust Fund was created and exists by law.

183       (b) Half of that amount shall be paid into the State  
184 Treasury to the credit of the Local Government Housing Trust Fund  
185 and shall be used for the purposes for which the Local Government  
186 Housing Trust Fund was created and exists by law.

187       (10) Eight and fifty-seven ~~Eight and sixty-six~~ hundredths  
188 percent of the remaining taxes collected under this chapter shall  
189 be paid into the State Treasury to the credit of the State  
190 Housing Trust Fund and shall be used as follows:

191       (a) Twelve and one-half percent of that amount shall be  
192 deposited into the State Housing Trust Fund and be expended by  
193 the Department of Community Affairs and by the Florida Housing  
194 Finance Corporation for the purposes for which the State Housing  
195 Trust Fund was created and exists by law.

196       (b) Eighty-seven and one-half percent of that amount shall  
197 be distributed to the Local Government Housing Trust Fund and  
198 shall be used for the purposes for which the Local Government  
199 Housing Trust Fund was created and exists by law. Funds from this  
200 category may also be used to provide for state and local services  
201 to assist the homeless.

202       (11) From the moneys specified in paragraphs (1)(d) and  
203 (2)(a) and prior to deposit of any moneys into the General  
204 Revenue Fund, \$30 million shall be paid into the State Treasury  
205 to the credit of the Ecosystem Management and Restoration Trust  
206 Fund ~~in fiscal year 2000-2001 and each fiscal year thereafter,~~ to  
207 be used for the preservation and repair of the state's beaches as  
208 provided in ss. 161.091-161.212, and \$2 million shall be paid

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209 into the State Treasury to the credit of the Marine Resources  
210 Conservation Trust Fund to be used for marine mammal care as  
211 provided in s. 370.0603(3).

212 (12) The Department of Revenue may use \$8,300,000 of the  
213 remaining taxes ~~the payments credited to trust funds pursuant to~~  
214 ~~paragraphs (1)(c) and (2)(b) and subsections (3), (4), (5), (6),~~  
215 ~~(7), (8), (9), and (10)~~ to pay the costs of the collection and  
216 enforcement of the tax levied by this chapter. ~~The percentage of~~  
217 ~~such costs which may be assessed against a trust fund is a ratio,~~  
218 ~~the numerator of which is payments credited to that trust fund~~  
219 ~~under this section and the denominator of which is the sum of~~  
220 ~~payments made under paragraphs (1)(c) and (2)(b) and subsections~~  
221 ~~(3), (4), (5), (6), (7), (8), (9), and (10).~~

222 (13) The remaining taxes collected under this chapter shall  
223 be paid into the State Treasury to the credit of the General  
224 Revenue Fund.

225 (14) If the payment requirements in any year for bonds  
226 outstanding on July 1, 2006, exceed the limitations of this  
227 section, distributions to the trust fund from which the bond  
228 payments are made shall be increased to the amount needed to pay  
229 the bonds.

230 (15) ~~(13)~~ The distribution of proceeds deposited into the  
231 Water Management Lands Trust Fund and the Conservation and  
232 Recreation Lands Trust Fund, pursuant to subsections (4) and (5),  
233 shall not be used for land acquisition, but may be used for  
234 preacquisition costs associated with land purchases. The  
235 Legislature intends that the Florida Forever program supplant the  
236 acquisition programs formerly authorized under ss. 259.032 and  
237 373.59. Prior to the 2005 Regular Session of the Legislature, the  
238 Acquisition and Restoration Council shall review and make

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recommendations to the Legislature concerning the need to repeal this provision. Based on these recommendations, the Legislature shall review the need to repeal this provision during the 2005 Regular Session.

~~(16)(14)~~ Amounts distributed pursuant to subsections (5), (6), (7) and (8) are subject to the payment of debt service on outstanding Conservation and Recreation Lands revenue bonds.

Section 2. Effective July 1, 2006, subsection (9), subsection (10) of section 201.15, Florida Statutes, are amended to read:

201.15 Distribution of taxes collected.—

(9) The lesser of seven and fifty-three hundredths percent of the remaining taxes collected under this chapter or \$56,000,000 shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used ~~as follows:~~

~~(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.~~

~~(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.~~

(10) The lesser of eight and sixty-six hundredths percent of the remaining taxes collected under this chapter or \$137,000,000 shall be paid into the State Treasury to the credit of the Local Government ~~State Housing~~ Trust Fund and shall be used ~~as follows:~~

~~— (a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing~~



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268 ~~Finance Corporation for the purposes for which the State Housing~~  
269 ~~Trust Fund was created and exists by law.~~

270 ~~(b) Eighty-seven and one-half percent of that amount shall~~  
271 ~~be distributed to the Local Government Housing Trust Fund and~~  
272 ~~shall be used~~ for the purposes for which the Local Government  
273 Housing Trust Fund was created and exists by law. Funds from this  
274 category may also be used to provide for state and local services  
275 to assist the homeless.

276 Section 3. Paragraph (b) of subsection (11) of section  
277 259.032, Florida Statutes, is amended to read:

278 259.032 Conservation and Recreation Lands Trust Fund;  
279 purpose.--

280 (11)

281 (b) The Legislature intends that funds ~~An amount up to 1.5~~  
282 ~~percent of the cumulative total of funds ever deposited into the~~  
283 ~~Florida Preservation 2000 Trust Fund and the Florida Forever~~  
284 ~~Trust Fund shall~~ be made available for the purposes of  
285 management, maintenance, and capital improvements not eligible  
286 for funding pursuant to s. 11(e), Art. VII of the State  
287 Constitution, and for associated contractual services, for lands  
288 acquired pursuant to this section, s. 259.101, s. 259.105, or  
289 previous programs for the acquisition of lands for conservation  
290 and recreation, including state forests, to which title is vested  
291 in the board of trustees and other conservation and recreation  
292 lands managed by a state agency; and for. ~~Of this amount,~~  
293 ~~\$250,000 shall be transferred annually to the Plant Industry~~  
294 ~~Trust Fund within the Department of Agriculture and Consumer~~  
295 ~~Services for the purpose of~~ implementing the Endangered or  
296 Threatened Native Flora Conservation Grants Program pursuant to  
297 s. 581.185(11). Each agency with management responsibilities

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298 shall annually request from the Legislature funds sufficient to  
299 fulfill such responsibilities. For the purposes of this  
300 paragraph, capital improvements shall include, but need not be  
301 limited to, perimeter fencing, signs, firelanes, access roads and  
302 trails, and minimal public accommodations, such as primitive  
303 campsites, garbage receptacles, and toilets. Any equipment  
304 purchased with funds provided pursuant to this paragraph may be  
305 used for the purposes described in this paragraph on any  
306 conservation and recreation lands managed by a state agency.

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308       Section 4. Except as otherwise provided for this act, this  
309 act shall take effect July 1, 2005.

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1                   A bill to be entitled  
2       An act relating to education funding; amending s.  
3       1001.451, F.S.; revising provisions for award of incentive  
4       grants to regional consortium service organizations;  
5       amending ss. 1009.50, 1009.51, 1009.52, and 1009.89,  
6       F.S.; authorizing funds appropriated for Florida public  
7       student assistance grants, Florida private student  
8       assistance grants, Florida postsecondary student  
9       assistance grants, and William L. Boyd, IV, Florida  
10      resident access grants to be deposited in the State  
11      Student Financial Assistance Trust Fund; amending s.  
12      1010.72, F.S.; authorizing funds to be credited to the  
13      Dale Hickam Excellent Teaching Program Trust Fund;  
14      amending s. 1011.62, F.S., relating to funds for operation  
15      of schools; providing for a transition sparsity supplement  
16      under certain circumstances; revising provisions relating  
17      to the manner in which each school district's allocation  
18      of sparsity supplement funds shall be adjusted; amending  
19      s. 1011.94, F.S.; authorizing funds to be deposited in the  
20      Trust Fund for University Major Gifts; amending s.  
21      1013.79, F.S.; authorizing the appropriation of funds to  
22      be transferred to the Alec P. Courtelis Capital Facilities  
23      Matching Trust Fund; providing an effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

26  
27       Section 1. Paragraph (a) of subsection (2) of section  
28      1001.451, Florida Statutes, is amended to read:

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1001.451 Regional consortium service organizations.--In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(2)(a) Each regional consortium service organization that consists of four or more school districts is eligible to receive, through the Department of Education, an incentive grant as provided in the annual General Appropriations Act ~~of \$25,000 per school district~~ to be used for the delivery of services within the participating school districts.

Section 2. Subsection (5) of section 1009.50, Florida Statutes, is amended to read:

1009.50 Florida Public Student Assistance Grant Program; eligibility for grants.--

(5) Funds appropriated by the Legislature for state student assistance grants may ~~shall~~ be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Public Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

Section 3. Subsection (5) of section 1009.51, Florida Statutes, is amended to read:

1009.51 Florida Private Student Assistance Grant Program; eligibility for grants.--

(5) Funds appropriated by the Legislature for Florida private student assistance grants may ~~shall~~ be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding

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the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Private Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

Section 4. Subsection (6) of section 1009.52, Florida Statutes, is amended to read:

1009.52 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.--

(6) Funds appropriated by the Legislature for Florida postsecondary student assistance grants may ~~shall~~ be deposited in the State Student Financial Assistance Trust Fund.

Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Postsecondary Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

Section 5. Subsection (6) of section 1009.89, Florida Statutes, is amended to read:

1009.89 The William L. Boyd, IV, Florida resident access grants.--

(6) Funds appropriated by the Legislature for the William L. Boyd, IV, Florida Resident Access Grant Program may ~~shall~~ be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year which has been allocated to the William L. Boyd, IV, Florida

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Resident Access Grant Program shall remain therein and shall be available for carrying out the purposes of this section. If the number of eligible students exceeds the total authorized in the General Appropriations Act, an institution may use its own resources to assure that each eligible student receives the full benefit of the grant amount authorized.

Section 6. Section 1010.72, Florida Statutes, is amended to read:

1010.72 Dale Hickam Excellent Teaching Program Trust Fund.--The Dale Hickam Excellent Teaching Program Trust Fund is created to be administered by the Department of Education. Funds may ~~must~~ be credited to the trust fund as provided in chapter 98-309, Laws of Florida, to be used for the purposes set forth therein.

Section 7. Subsection (6) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.--If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(6) DETERMINATION OF SPARSITY SUPPLEMENT.--

(a) Annually, in an amount to be determined by the Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of the FEFP qualified districts a sparsity supplement which shall be computed as follows:

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Sparsity Factor =  $\frac{1101.8918}{2700 + \text{district sparsity index}}$  -0.1101

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000. A district that exceeds the full-time equivalent student membership requirement shall receive a one-time transition supplement in the amount of one-half of the sparsity supplement calculated for said district provided the district qualified for the sparsity supplement in each of the most recent 3 fiscal years.

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

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138           1. A maximum discretionary levy per FTE value for each  
139 district shall be calculated by dividing the value of each  
140 district's maximum discretionary levy by its FTE student count.†

141           2. A state average discretionary levy value per FTE shall  
142 be calculated by dividing the total maximum discretionary levy  
143 value for all districts by the state total FTE student count.†

144           3. A total potential funds per FTE for each district shall  
145 be calculated by dividing the total potential funds, not  
146 including Florida School Recognition Program funds and the  
147 minimum guarantee, for each district by its FTE student count.

148           4. A state average total potential funds per FTE shall be  
149 calculated by dividing the total potential funds, not including  
150 the minimum guarantee, for all districts by the state total FTE  
151 student count.

152           ~~5.3.~~ For districts that have a levy value per FTE as  
153 calculated in subparagraph 1. higher than the state average  
154 calculated in subparagraph 2., a sparsity wealth adjustment shall  
155 be calculated as the product of the difference between the state  
156 average levy value per FTE calculated in subparagraph 2. and the  
157 district's levy value per FTE calculated in subparagraph 1. and  
158 the district's FTE student count and -1. However, no district  
159 shall have a sparsity wealth adjustment which, when applied to  
160 the total potential funds calculated in subparagraph 3., would  
161 cause the district's total potential funds per FTE to be less  
162 than the state average calculated in subparagraph 4.†

163           ~~6.4.~~ Each district's sparsity supplement allocation shall  
164 be calculated by adding the amount calculated as specified in  
165 paragraphs (a) and (b) and the wealth adjustment amount  
166 calculated in this paragraph.



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167           Section 8. Subsection (1) of section 1011.94, Florida  
168 Statutes, is amended to read:  
169           1011.94 Trust Fund for University Major Gifts.--  
170           (1) There is established a Trust Fund for University Major  
171 Gifts. The purpose of the trust fund is to enable each university  
172 and New College to provide donors with an incentive in the form  
173 of matching grants for donations for the establishment of  
174 permanent endowments and sales tax exemption matching funds  
175 received pursuant to s. 212.08(5)(j), which must be invested,  
176 with the proceeds of the investment used to support libraries and  
177 instruction and research programs, as defined by the State Board  
178 of Education. All funds appropriated for the challenge grants,  
179 new donors, major gifts, sales tax exemption matching funds  
180 pursuant to s. 212.08(5)(j), or eminent scholars program may ~~must~~  
181 be deposited into the trust fund and invested pursuant to s.  
182 17.61 until the State Board of Education allocates the funds to  
183 universities to match private donations. Notwithstanding s.  
184 216.301 and pursuant to s. 216.351, any undisbursed balance  
185 remaining in the trust fund and interest income accruing to the  
186 portion of the trust fund which is not matched and distributed to  
187 universities must remain in the trust fund and be used to  
188 increase the total funds available for challenge grants. Funds  
189 deposited in the trust fund for the sales tax exemption matching  
190 program authorized in s. 212.08(5)(j), and interest earnings  
191 thereon, shall be maintained in a separate account within the  
192 Trust Fund for University Major Gifts, and may be used only to  
193 match qualified sales tax exemptions that a certified business  
194 designates for use by state universities and community colleges  
195 to support research and development projects requested by the

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196 certified business. The State Board of Education may authorize  
197 any university to encumber the state matching portion of a  
198 challenge grant from funds available under s. 1011.45.

199 Section 9. Subsections (1) and (3) of section 1013.79,  
200 Florida Statutes, are amended to read:

201 1013.79 University Facility Enhancement Challenge Grant  
202 Program.--

203 (1) The Legislature recognizes that the universities do not  
204 have sufficient physical facilities to meet the current demands  
205 of their instructional and research programs. It further  
206 recognizes that, to strengthen and enhance universities, it is  
207 necessary to provide facilities in addition to those currently  
208 available from existing revenue sources. It further recognizes  
209 that there are sources of private support that, if matched with  
210 state support, can assist in constructing much-needed facilities  
211 and strengthen the commitment of citizens and organizations in  
212 promoting excellence throughout the state universities.  
213 Therefore, it is the intent of the Legislature to establish a  
214 trust fund to provide the opportunity for each university to  
215 receive support for and ~~match~~ challenge grants for instructional  
216 and research-related capital facilities within the university.

217 (3) There is established the Alec P. Courtelis Capital  
218 Facilities Matching Trust Fund for the purpose of providing  
219 matching funds from private contributions for the development of  
220 high priority instructional and research-related capital  
221 facilities, including common areas connecting such facilities,  
222 within a university. The Legislature may ~~shall~~ appropriate funds  
223 to be transferred to the trust fund. The Public Education Capital  
224 Outlay and Debt Service Trust Fund, Capital Improvement Trust

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225 Fund, Division of Sponsored Research Trust Fund, and Contracts  
226 and Grants Trust Fund shall not be used as the source of the  
227 state match for private contributions. All appropriated funds  
228 deposited into the trust fund shall be invested pursuant to the  
229 provisions of s. 17.61. Interest income accruing to that portion  
230 of the trust fund shall increase the total funds available for  
231 the challenge grant program. Interest income accruing from the  
232 private donations shall be returned to the participating  
233 foundation upon completion of the project. The State Board of  
234 Education shall administer the trust fund and all related  
235 construction activities.

236       Section 10. This act shall take effect July 1, 2005.

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1                   A bill to be entitled  
2       An act relating to health care; amending s. 400.23, F.S.;  
3       delaying a nursing home staffing increase; amending s.  
4       409.903, F.S.; deleting a provision eliminating  
5       eligibility for Medicaid services for certain women;  
6       amending s. 409.904, F.S.; providing for the Agency for  
7       Health Care Administration to pay for medical assistance  
8       for certain Medicaid-eligible persons; deleting a  
9       limitation on eligibility for coverage under the medically  
10      needy program; amending s. 409.906, F.S.; deleting a  
11      repeal of a provision that provides adult denture  
12      services; repealing s. 409.9065, F.S., relating to  
13      pharmaceutical expense assistance; amending s.  
14      409.907, F.S.; relating to provider agreements; amending s.  
15      409.908, F.S.; relating to provider reimbursement;  
16      revising provisions relating to the long-term care  
17      reimbursement and cost reporting system; revising  
18      provisions relating to the Medicaid maximum allowable fee  
19      for certain pharmacies; adding rules for rate setting  
20      process; amending s. 409.912, F.S.; revising components of  
21      the Medicaid prescribed-drug spending-control program;  
22      authorizing the agency to implement a program of all-  
23      inclusive care for certain children; amending s. 409.9124,  
24      F.S.; requiring the agency to develop managed care rates  
25      for children of specified ages and to amend the  
26      methodology for reimbursing managed care plans to comply  
27      therewith; limiting the amount of reimbursement; providing  
28      effective dates.

30   Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (a) of subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.--

(3)(a) The agency shall adopt rules providing ~~for the~~ minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing of 2.3 hours of direct care per resident per day beginning January 1, 2002, increasing to 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.9 hours of direct care per resident per day beginning July 1, 2006 ~~2005~~. Beginning January 1, 2002, no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident per day but never below one licensed nurse per 40 residents. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses so recognized are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted toward the

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61 minimum staffing requirements for certified nursing assistants  
62 must exclusively perform the duties of a certified nursing  
63 assistant for the entire shift and shall not also be counted  
64 toward the minimum staffing requirements for licensed nurses. If  
65 the agency approved a facility's request to use a licensed nurse  
66 to perform both licensed nursing and certified nursing assistant  
67 duties, the facility must allocate the amount of staff time  
68 specifically spent on certified nursing assistant duties for the  
69 purpose of documenting compliance with minimum staffing  
70 requirements for certified and licensed nursing staff. In no  
71 event may the hours of a licensed nurse with dual job  
72 responsibilities be counted twice.

73       Section 2. Subsection (5) of section 409.903, Florida  
74 Statutes, is amended to read:

75       409.903 Mandatory payments for eligible persons.--The  
76 agency shall make payments for medical assistance and related  
77 services on behalf of the following persons who the department,  
78 or the Social Security Administration by contract with the  
79 Department of Children and Family Services, determines to be  
80 eligible, subject to the income, assets, and categorical  
81 eligibility tests set forth in federal and state law. Payment on  
82 behalf of these Medicaid eligible persons is subject to the  
83 availability of moneys and any limitations established by the  
84 General Appropriations Act or chapter 216.

85       (5) A pregnant woman for the duration of her pregnancy and  
86 for the postpartum period as defined in federal law and rule, or  
87 a child under age 1, if either is living in a family that has an  
88 income which is at or below 150 percent of the most current  
89 federal poverty level, or, effective January 1, 1992, that has an  
90 income which is at or below 185 percent of the most current

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91 federal poverty level. Such a person is not subject to an assets  
92 test. Further, a pregnant woman who applies for eligibility for  
93 the Medicaid program through a qualified Medicaid provider must  
94 be offered the opportunity, subject to federal rules, to be made  
95 presumptively eligible for the Medicaid program. ~~Effective July~~  
96 ~~1, 2005, eligibility for Medicaid services is eliminated for~~  
97 ~~women who have incomes above 150 percent of the most current~~  
98 ~~federal poverty level.~~

99       Section 3. Subsections (1) and (2) of section 409.904,  
100 Florida Statutes, are amended to read:

101       409.904 Optional payments for eligible persons.--The agency  
102 may make payments for medical assistance and related services on  
103 behalf of the following persons who are determined to be eligible  
104 subject to the income, assets, and categorical eligibility tests  
105 set forth in federal and state law. Payment on behalf of these  
106 Medicaid eligible persons is subject to the availability of  
107 moneys and any limitations established by the General  
108 Appropriations Act or chapter 216.

109       (1)(a) From July 1, 2005, through December 31, 2005,  
110 inclusive, a person who is age 65 or older or is determined to be  
111 disabled, whose income is at or below 88 percent of federal  
112 poverty level, and whose assets do not exceed established  
113 limitations.

114       (b) Effective January 1, 2006, and subject to federal  
115 waiver approval, a person who is age 65 or older or is determined  
116 to be disabled, whose income is at or below 88 percent of the  
117 federal poverty level, whose assets do not exceed established  
118 limitations, and who is not eligible for Medicare, or, if  
119 eligible for Medicare, is also eligible for and receiving  
120 Medicaid-covered institutional care or hospice or home-based and

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121 | community-based services. The agency shall seek federal  
122 | authorization through a waiver to provide this coverage.

123 |       (2) A family, a pregnant woman, a child under age 21, a  
124 | person age 65 or over, or a blind or disabled person, who would  
125 | be eligible under any group listed in s. 409.903(1), (2), or (3),  
126 | except that the income or assets of such family or person exceed  
127 | established limitations. For a family or person in one of these  
128 | coverage groups, medical expenses are deductible from income in  
129 | accordance with federal requirements in order to make a  
130 | determination of eligibility. A family or person eligible under  
131 | the coverage known as the "medically needy," is eligible to  
132 | receive the same services as other Medicaid recipients, with the  
133 | exception of services in skilled nursing facilities and  
134 | intermediate care facilities for the developmentally disabled.  
135 | ~~Effective July 1, 2005, the medically needy are eligible for~~  
136 | ~~prescribed drug services only.~~

137 |       Section 4. Paragraph (b) of subsection (1) of section  
138 | 409.906, Florida Statutes, is amended to read:

139 |       409.906 Optional Medicaid services.--Subject to specific  
140 | appropriations, the agency may make payments for services which  
141 | are optional to the state under Title XIX of the Social Security  
142 | Act and are furnished by Medicaid providers to recipients who are  
143 | determined to be eligible on the dates on which the services were  
144 | provided. Any optional service that is provided shall be provided  
145 | only when medically necessary and in accordance with state and  
146 | federal law. Optional services rendered by providers in mobile  
147 | units to Medicaid recipients may be restricted or prohibited by  
148 | the agency. Nothing in this section shall be construed to prevent  
149 | or limit the agency from adjusting fees, reimbursement rates,  
150 | lengths of stay, number of visits, or number of services, or



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151 making any other adjustments necessary to comply with the  
152 availability of moneys and any limitations or directions provided  
153 for in the General Appropriations Act or chapter 216. If  
154 necessary to safeguard the state's systems of providing services  
155 to elderly and disabled persons and subject to the notice and  
156 review provisions of s. 216.177, the Governor may direct the  
157 Agency for Health Care Administration to amend the Medicaid state  
158 plan to delete the optional Medicaid service known as  
159 "Intermediate Care Facilities for the Developmentally Disabled."  
160 Optional services may include:

161 (1) ADULT DENTAL SERVICES.--

162 (b) ~~Beginning January 1, 2005,~~ The agency may pay for  
163 dentures, the procedures required to seat dentures, and the  
164 repair and reline of dentures, provided by or under the direction  
165 of a licensed dentist, for a recipient who is 21 years of age or  
166 older. ~~This paragraph is repealed effective July 1, 2005.~~

167 Section 5. Effective January 1, 2006, section 409.9065,  
168 Florida Statutes, is repealed.

169 Section 6. Subsection (2) of section 409.907, Florida  
170 Statutes, is amended to read:

171 409.907 Medicaid provider agreements.--The agency may make  
172 payments for medical assistance and related services rendered to  
173 Medicaid recipients only to an individual or entity who has a  
174 provider agreement in effect with the agency, who is performing  
175 services or supplying goods in accordance with federal, state,  
176 and local law, and who agrees that no person shall, on the  
177 grounds of handicap, race, color, or national origin, or for any  
178 other reason, be subjected to discrimination under any program or  
179 activity for which the provider receives payment from the agency.

180 (2) Each provider agreement shall be a voluntary contract

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181 between the agency and the provider, in which the provider agrees  
 182 to comply with all laws and rules pertaining to the Medicaid  
 183 program when furnishing a service or goods to a Medicaid  
 184 recipient and the agency agrees to pay a sum, determined by fee  
 185 ~~schedule, payment methodology, or other manner,~~ the agency prior  
 186 to the provision of any particular for the service or goods  
 187 provided to the Medicaid recipient. The agency may require a  
 188 provider to be subject to a fee or rate schedule or other payment  
 189 methodology, but a fee or rate schedule or any payment  
 190 methodology shall not be incorporated into the provider agreement  
 191 or any other agreement relating to the provision of Medicaid  
 192 goods or services. The provider agreement and other agreement  
 193 shall require that the provider agrees to accept the compensation  
 194 established from time to time by the agency for Medicaid goods  
 195 and services. Each provider agreement shall be effective for a  
 196 stipulated period of time, shall be terminable by either party  
 197 after reasonable notice, and shall be renewable by mutual  
 198 agreement. Provider agreements and other agreements relating to  
 199 the provision of Medicaid goods and services shall only be  
 200 renewed or amended in writing. Any term of any provider agreement  
 201 or other Medicaid agreement which is inconsistent with this  
 202 statute shall be amended by operation of law to conform to the  
 203 requirements set forth herein.

204  
 205       Section 7. Section 409.908, Florida Statutes, is amended  
 206 and subsection (23) is added to said section, to read:

207               409.908 Reimbursement of Medicaid providers.--

208       Subject to specific appropriations, the agency shall  
 209 reimburse Medicaid providers, in accordance with state and  
 210 federal law, according to published methodologies ~~set forth in~~

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211 ~~the rules of the agency and in policy manuals and handbooks~~  
 212 ~~incorporated by reference therein.~~ These methodologies may  
 213 include fee schedules, reimbursement methods based on cost  
 214 reporting, negotiated fees, competitive bidding pursuant to s.  
 215 287.057, and other mechanisms the agency considers efficient and  
 216 effective for purchasing services or goods on behalf of  
 217 recipients. If a provider is reimbursed based on cost reporting  
 218 and submits a cost report late and that cost report would have  
 219 been used to set a lower reimbursement rate for a rate semester,  
 220 then the provider's rate for that semester shall be retroactively  
 221 calculated using the new cost report, and full payment at the  
 222 recalculated rate shall be effected retroactively.  
 223 Medicare-granted extensions for filing cost reports, if  
 224 applicable, shall also apply to Medicaid cost reports. Payment  
 225 for Medicaid compensable services made on behalf of Medicaid  
 226 eligible persons is subject to the availability of moneys and any  
 227 limitations or directions provided for in the General  
 228 Appropriations Act or chapter 216. The agency is authorized to  
 229 adjust ~~Further, nothing in this section shall be construed to~~  
 230 ~~prevent or limit the agency from adjusting~~ fees, reimbursement  
 231 rates, lengths of stay, number of visits, or number of services,  
 232 or ~~making~~ make any other adjustments necessary to comply with the  
 233 availability of moneys and any limitations or directions provided  
 234 for in the General Appropriations Act, provided the adjustment is  
 235 consistent with legislative intent.

236 (1) Reimbursement to hospitals licensed under part I of  
 237 chapter 395 must be made prospectively or on the basis of  
 238 negotiation.

239 (a) Reimbursement for inpatient care is limited as provided  
 240 for in s. 409.905(5), except for:

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241           1. The raising of rate reimbursement caps, excluding rural  
242 hospitals.

243           2. Recognition of the costs of graduate medical education.

244           3. Other methodologies recognized in the General  
245 Appropriations Act.

246           4. Hospital inpatient rates shall be reduced by 6 percent  
247 effective July 1, 2001, and restored effective April 1, 2002.

248

249 During the years funds are transferred from the Department of  
250 Health, any reimbursement supported by such funds shall be  
251 subject to certification by the Department of Health that the  
252 hospital has complied with s. 381.0403. The agency is authorized  
253 to receive funds from state entities, including, but not limited  
254 to, the Department of Health, local governments, and other local  
255 political subdivisions, for the purpose of making special  
256 exception payments, including federal matching funds, through the  
257 Medicaid inpatient reimbursement methodologies. Funds received  
258 from state entities or local governments for this purpose shall  
259 be separately accounted for and shall not be commingled with  
260 other state or local funds in any manner. The agency may certify  
261 all local governmental funds used as state match under Title XIX  
262 of the Social Security Act, to the extent that the identified  
263 local health care provider that is otherwise entitled to and is  
264 contracted to receive such local funds is the benefactor under  
265 the state's Medicaid program as determined under the General  
266 Appropriations Act and pursuant to an agreement between the  
267 Agency for Health Care Administration and the local governmental  
268 entity. The local governmental entity shall use a certification  
269 form prescribed by the agency. At a minimum, the certification  
270 form shall identify the amount being certified and describe the

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271 relationship between the certifying local governmental entity and  
272 the local health care provider. The agency shall prepare an  
273 annual statement of impact which documents the specific  
274 activities undertaken during the previous fiscal year pursuant to  
275 this paragraph, to be submitted to the Legislature no later than  
276 January 1, annually.

277 (b) Reimbursement for hospital outpatient care is limited  
278 to \$1,500 per state fiscal year per recipient, except for:

279 1. Such care provided to a Medicaid recipient under age 21,  
280 in which case the only limitation is medical necessity.

281 2. Renal dialysis services.

282 3. Other exceptions made by the agency.

283

284 The agency is authorized to receive funds from state entities,  
285 including, but not limited to, the Department of Health, the  
286 Board of Regents, local governments, and other local political  
287 subdivisions, for the purpose of making payments, including  
288 federal matching funds, through the Medicaid outpatient  
289 reimbursement methodologies. Funds received from state entities  
290 and local governments for this purpose shall be separately  
291 accounted for and shall not be commingled with other state or  
292 local funds in any manner.

293 (c) Hospitals that provide services to a disproportionate  
294 share of low-income Medicaid recipients, or that participate in  
295 the regional perinatal intensive care center program under  
296 chapter 383, or that participate in the statutory teaching  
297 hospital disproportionate share program may receive additional  
298 reimbursement. The total amount of payment for disproportionate  
299 share hospitals shall be fixed by the General Appropriations Act.  
300 The computation of these payments must be made in compliance with

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301 all federal regulations and the methodologies described in ss.  
302 409.911, 409.9112, and 409.9113.

303 (d) The agency is authorized to limit inflationary  
304 increases for outpatient hospital services as directed by the  
305 General Appropriations Act.

306 (2)(a)1. Reimbursement to nursing homes licensed under part  
307 II of chapter 400 and state-owned-and-operated intermediate care  
308 facilities for the developmentally disabled licensed under  
309 chapter 393 must be made prospectively.

310 2. Unless otherwise limited or directed in the General  
311 Appropriations Act, reimbursement to hospitals licensed under  
312 part I of chapter 395 for the provision of swing-bed nursing home  
313 services must be made on the basis of the average statewide  
314 nursing home payment, and reimbursement to a hospital licensed  
315 under part I of chapter 395 for the provision of skilled nursing  
316 services must be made on the basis of the average nursing home  
317 payment for those services in the county in which the hospital is  
318 located. When a hospital is located in a county that does not  
319 have any community nursing homes, reimbursement must be  
320 determined by averaging the nursing home payments, in counties  
321 that surround the county in which the hospital is located.  
322 Reimbursement to hospitals, including Medicaid payment of  
323 Medicare copayments, for skilled nursing services shall be  
324 limited to 30 days, unless a prior authorization has been  
325 obtained from the agency. Medicaid reimbursement may be extended  
326 by the agency beyond 30 days, and approval must be based upon  
327 verification by the patient's physician that the patient requires  
328 short-term rehabilitative and recuperative services only, in  
329 which case an extension of no more than 15 days may be approved.  
330 Reimbursement to a hospital licensed under part I of chapter 395

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331 for the temporary provision of skilled nursing services to  
 332 nursing home residents who have been displaced as the result of a  
 333 natural disaster or other emergency may not exceed the average  
 334 county nursing home payment for those services in the county in  
 335 which the hospital is located and is limited to the period of  
 336 time which the agency considers necessary for continued placement  
 337 of the nursing home residents in the hospital.

338 (b) Subject to any limitations or directions provided for  
 339 in the General Appropriations Act, the agency shall establish and  
 340 implement a Florida Title XIX Long-Term Care Reimbursement Plan  
 341 (Medicaid) for nursing home care in order to provide care and  
 342 services in conformance with the applicable state and federal  
 343 laws, rules, regulations, and quality and safety standards and to  
 344 ensure that individuals eligible for medical assistance have  
 345 reasonable geographic access to such care.

346 1. Changes of ownership or of licensed operator do not  
 347 qualify for increases in reimbursement rates associated with the  
 348 change of ownership or of licensed operator. The agency shall  
 349 amend the Title XIX Long Term Care Reimbursement Plan to provide  
 350 that the initial nursing home reimbursement rates, for the  
 351 operating, patient care, and MAR components, associated with  
 352 related and unrelated party changes of ownership or licensed  
 353 operator filed on or after September 1, 2001, are equivalent to  
 354 the previous owner's reimbursement rate.

355 2. The agency shall amend the long-term care reimbursement  
 356 plan and cost reporting system to create direct care and indirect  
 357 care subcomponents of the patient care component of the per diem  
 358 rate. These two subcomponents together shall equal the patient  
 359 care component of the per diem rate. Separate cost-based ceilings  
 360 shall be calculated for each patient care subcomponent. The

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361 | direct care and indirect care subcomponents ~~subcomponent~~ of the  
 362 | per diem rate ~~shall be limited by the cost-based class ceiling,~~  
 363 | ~~and the indirect care subcomponent~~ shall be limited by the lower  
 364 | of a ~~the~~ cost-based class ceiling, a ~~by the~~ target rate class  
 365 | ceiling, or an ~~by the~~ individual provider target for each  
 366 | subcomponent. ~~The agency shall adjust the patient care component~~  
 367 | ~~effective January 1, 2002.~~ The cost to adjust the direct care  
 368 | subcomponent shall be the net of the total funds previously  
 369 | allocated for the case mix add-on. ~~The agency shall make the~~  
 370 | ~~required changes to the nursing home cost reporting forms to~~  
 371 | ~~implement this requirement effective January 1, 2002.~~

372 |         3. The direct care subcomponent shall include salaries and  
 373 | benefits of direct care staff providing nursing services  
 374 | including registered nurses, licensed practical nurses, and  
 375 | certified nursing assistants who deliver care directly to  
 376 | residents in the nursing home facility. This excludes nursing  
 377 | administration, MDS, and care plan coordinators, staff  
 378 | development, and staffing coordinator.

379 |         4. All other patient care costs shall be included in the  
 380 | indirect care cost subcomponent of the patient care per diem  
 381 | rate. There shall be no costs directly or indirectly allocated to  
 382 | the direct care subcomponent from a home office or management  
 383 | company.

384 |         5. On July 1 of each year, the agency shall report to the  
 385 | Legislature direct and indirect care costs, including average  
 386 | direct and indirect care costs per resident per facility and  
 387 | direct care and indirect care salaries and benefits per category  
 388 | of staff member per facility.

389 |         6. In order to offset the cost of general and professional  
 390 | liability insurance, the agency shall amend the plan to allow for



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391 interim rate adjustments to reflect increases in the cost of  
392 general or professional liability insurance for nursing homes.  
393 This provision shall be implemented to the extent existing  
394 appropriations are available.

395

396 It is the intent of the Legislature that the reimbursement plan  
397 achieve the goal of providing access to health care for nursing  
398 home residents who require large amounts of care while  
399 encouraging diversion services as an alternative to nursing home  
400 care for residents who can be served within the community. The  
401 agency shall base the establishment of any maximum rate of  
402 payment, whether overall or component, on the available moneys as  
403 provided for in the General Appropriations Act. The agency may  
404 base the maximum rate of payment on the results of scientifically  
405 valid analysis and conclusions derived from objective statistical  
406 data pertinent to the particular maximum rate of payment.

407 (3) Subject to any limitations or directions provided for  
408 in the General Appropriations Act, the following Medicaid  
409 services and goods may be reimbursed on a fee-for-service basis.  
410 For each allowable service or goods furnished in accordance with  
411 Medicaid rules, policy manuals, handbooks, and state and federal  
412 law, the payment shall be the amount billed by the provider, the  
413 provider's usual and customary charge, or the maximum allowable  
414 fee established by the agency, whichever amount is less, with the  
415 exception of those services or goods for which the agency makes  
416 payment using a methodology based on capitation rates, average  
417 costs, or negotiated fees.

418 (a) Advanced registered nurse practitioner services.

419 (b) Birth center services.

420 (c) Chiropractic services.

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421	(d) Community mental health services.
422	(e) Dental services, including oral and maxillofacial
423	surgery.
424	(f) Durable medical equipment.
425	(g) Hearing services.
426	(h) Occupational therapy for Medicaid recipients under age
427	21.
428	(i) Optometric services.
429	(j) Orthodontic services.
430	(k) Personal care for Medicaid recipients under age 21.
431	(l) Physical therapy for Medicaid recipients under age 21.
432	(m) Physician assistant services.
433	(n) Podiatric services.
434	(o) Portable X-ray services.
435	(p) Private-duty nursing for Medicaid recipients under age
436	21.
437	(q) Registered nurse first assistant services.
438	(r) Respiratory therapy for Medicaid recipients under age
439	21.
440	(s) Speech therapy for Medicaid recipients under age 21.
441	(t) Visual services.
442	(4) Subject to any limitations or directions provided for
443	in the General Appropriations Act, alternative health plans,
444	health maintenance organizations, and prepaid health plans shall
445	be reimbursed a fixed, prepaid amount negotiated, or
446	competitively bid pursuant to s. 287.057, by the agency and
447	prospectively paid to the provider monthly for each Medicaid
448	recipient enrolled. The amount may not exceed the average amount
449	the agency determines it would have paid, based on claims
450	experience, for recipients in the same or similar category of

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451 | eligibility. The agency shall calculate capitation rates on a  
452 | regional basis and, beginning September 1, 1995, shall include  
453 | age-band differentials in such calculations.

454 |       (5) An ambulatory surgical center shall be reimbursed the  
455 | lesser of the amount billed by the provider or the Medicare-  
456 | established allowable amount for the facility.

457 |       (6) A provider of early and periodic screening, diagnosis,  
458 | and treatment services to Medicaid recipients who are children  
459 | under age 21 shall be reimbursed using an all-inclusive rate  
460 | stipulated in a fee schedule established by the agency. A  
461 | provider of the visual, dental, and hearing components of such  
462 | services shall be reimbursed the lesser of the amount billed by  
463 | the provider or the Medicaid maximum allowable fee established by  
464 | the agency.

465 |       (7) A provider of family planning services shall be  
466 | reimbursed the lesser of the amount billed by the provider or an  
467 | all-inclusive amount per type of visit for physicians and  
468 | advanced registered nurse practitioners, as established by the  
469 | agency in a fee schedule.

470 |       (8) A provider of home-based or community-based services  
471 | rendered pursuant to a federally approved waiver shall be  
472 | reimbursed based on an established or negotiated rate for each  
473 | service. These rates shall be established according to an  
474 | analysis of the expenditure history and prospective budget  
475 | developed by each contract provider participating in the waiver  
476 | program, or under any other methodology adopted by the agency and  
477 | approved by the Federal Government in accordance with the waiver.  
478 | Effective July 1, 1996, privately owned and operated community-  
479 | based residential facilities which meet agency requirements and  
480 | which formerly received Medicaid reimbursement for the optional

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481 intermediate care facility for the mentally retarded service may  
482 participate in the developmental services waiver as part of a  
483 home-and-community-based continuum of care for Medicaid  
484 recipients who receive waiver services.

485       (9) A provider of home health care services or of medical  
486 supplies and appliances shall be reimbursed on the basis of  
487 competitive bidding or for the lesser of the amount billed by the  
488 provider or the agency's established maximum allowable amount,  
489 except that, in the case of the rental of durable medical  
490 equipment, the total rental payments may not exceed the purchase  
491 price of the equipment over its expected useful life or the  
492 agency's established maximum allowable amount, whichever amount  
493 is less.

494       (10) A hospice shall be reimbursed through a prospective  
495 system for each Medicaid hospice patient at Medicaid rates using  
496 the methodology established for hospice reimbursement pursuant to  
497 Title XVIII of the federal Social Security Act.

498       (11) A provider of independent laboratory services shall be  
499 reimbursed on the basis of competitive bidding or for the least  
500 of the amount billed by the provider, the provider's usual and  
501 customary charge, or the Medicaid maximum allowable fee  
502 established by the agency.

503       (12)(a) A physician shall be reimbursed the lesser of the  
504 amount billed by the provider or the Medicaid maximum allowable  
505 fee established by the agency.

506       (b) The agency shall adopt a fee schedule, subject to any  
507 limitations or directions provided for in the General  
508 Appropriations Act, based on a resource-based relative value  
509 scale for pricing Medicaid physician services. Under this fee  
510 schedule, physicians shall be paid a dollar amount for each

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511 | service based on the average resources required to provide the  
 512 | service, including, but not limited to, estimates of average  
 513 | physician time and effort, practice expense, and the costs of  
 514 | professional liability insurance. The fee schedule shall provide  
 515 | increased reimbursement for preventive and primary care services  
 516 | and lowered reimbursement for specialty services by using at  
 517 | least two conversion factors, one for cognitive services and  
 518 | another for procedural services. The fee schedule shall not  
 519 | increase total Medicaid physician expenditures unless moneys are  
 520 | available, and shall be phased in over a 2-year period beginning  
 521 | on July 1, 1994. The Agency for Health Care Administration shall  
 522 | seek the advice of a 16-member advisory panel in formulating and  
 523 | adopting the fee schedule. The panel shall consist of Medicaid  
 524 | physicians licensed under chapters 458 and 459 and shall be  
 525 | composed of 50 percent primary care physicians and 50 percent  
 526 | specialty care physicians.

527 |       (c) Notwithstanding paragraph (b), reimbursement fees to  
 528 | physicians for providing total obstetrical services to Medicaid  
 529 | recipients, which include prenatal, delivery, and postpartum  
 530 | care, shall be at least \$1,500 per delivery for a pregnant woman  
 531 | with low medical risk and at least \$2,000 per delivery for a  
 532 | pregnant woman with high medical risk. However, reimbursement to  
 533 | physicians working in Regional Perinatal Intensive Care Centers  
 534 | designated pursuant to chapter 383, for services to certain  
 535 | pregnant Medicaid recipients with a high medical risk, may be  
 536 | made according to obstetrical care and neonatal care groupings  
 537 | and rates established by the agency. Nurse midwives licensed  
 538 | under part I of chapter 464 or midwives licensed under chapter  
 539 | 467 shall be reimbursed at no less than 80 percent of the low  
 540 | medical risk fee. The agency shall by rule determine, for the

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541 purpose of this paragraph, what constitutes a high or low medical  
542 risk pregnant woman and shall not pay more based solely on the  
543 fact that a caesarean section was performed, rather than a  
544 vaginal delivery. The agency shall by rule determine a prorated  
545 payment for obstetrical services in cases where only part of the  
546 total prenatal, delivery, or postpartum care was performed. The  
547 Department of Health shall adopt rules for appropriate insurance  
548 coverage for midwives licensed under chapter 467. Prior to the  
549 issuance and renewal of an active license, or reactivation of an  
550 inactive license for midwives licensed under chapter 467, such  
551 licensees shall submit proof of coverage with each application.

552 (13) Medicare premiums for persons eligible for both  
553 Medicare and Medicaid coverage shall be paid at the rates  
554 established by Title XVIII of the Social Security Act. For  
555 Medicare services rendered to Medicaid-eligible persons, Medicaid  
556 shall pay Medicare deductibles and coinsurance as follows:

557 (a) Medicaid shall make no payment toward deductibles and  
558 coinsurance for any service that is not covered by Medicaid.

559 (b) Medicaid's financial obligation for deductibles and  
560 coinsurance payments shall be based on Medicare allowable fees,  
561 not on a provider's billed charges.

562 (c) Medicaid will pay no portion of Medicare deductibles  
563 and coinsurance when payment that Medicare has made for the  
564 service equals or exceeds what Medicaid would have paid if it had  
565 been the sole payor. The combined payment of Medicare and  
566 Medicaid shall not exceed the amount Medicaid would have paid had  
567 it been the sole payor. The Legislature finds that there has been  
568 confusion regarding the reimbursement for services rendered to  
569 dually eligible Medicare beneficiaries. Accordingly, the  
570 Legislature clarifies that it has always been the intent of the

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571 Legislature before and after 1991 that, in reimbursing in  
 572 accordance with fees established by Title XVIII for premiums,  
 573 deductibles, and coinsurance for Medicare services rendered by  
 574 physicians to Medicaid eligible persons, physicians be reimbursed  
 575 at the lesser of the amount billed by the physician or the  
 576 Medicaid maximum allowable fee established by the Agency for  
 577 Health Care Administration, as is permitted by federal law. It  
 578 has never been the intent of the Legislature with regard to such  
 579 services rendered by physicians that Medicaid be required to  
 580 provide any payment for deductibles, coinsurance, or copayments  
 581 for Medicare cost sharing, or any expenses incurred relating  
 582 thereto, in excess of the payment amount provided for under the  
 583 State Medicaid plan for such service. This payment methodology is  
 584 applicable even in those situations in which the payment for  
 585 Medicare cost sharing for a qualified Medicare beneficiary with  
 586 respect to an item or service is reduced or eliminated. This  
 587 expression of the Legislature is in clarification of existing law  
 588 and shall apply to payment for, and with respect to provider  
 589 agreements with respect to, items or services furnished on or  
 590 after the effective date of this act. This paragraph applies to  
 591 payment by Medicaid for items and services furnished before the  
 592 effective date of this act if such payment is the subject of a  
 593 lawsuit that is based on the provisions of this section, and that  
 594 is pending as of, or is initiated after, the effective date of  
 595 this act.

596 (d) Notwithstanding paragraphs (a)-(c):

597 1. Medicaid payments for Nursing Home Medicare part A  
 598 coinsurance shall be the lesser of the Medicare coinsurance  
 599 amount or the Medicaid nursing home per diem rate.

600 2. Medicaid shall pay all deductibles and coinsurance for

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601 Medicare-eligible recipients receiving freestanding end stage  
602 renal dialysis center services.

603       3. Medicaid payments for general hospital inpatient  
604 services shall be limited to the Medicare deductible per spell of  
605 illness. Medicaid shall make no payment toward coinsurance for  
606 Medicare general hospital inpatient services.

607       4. Medicaid shall pay all deductibles and coinsurance for  
608 Medicare emergency transportation services provided by ambulances  
609 licensed pursuant to chapter 401.

610       (14) A provider of prescribed drugs shall be reimbursed the  
611 least of the amount billed by the provider, the provider's usual  
612 and customary charge, or the Medicaid maximum allowable fee  
613 established by the agency, plus a dispensing fee.

614       (a) For pharmacies with less than \$75,000 in average  
615 aggregate monthly payments, the Medicaid maximum allowable fee  
616 for ingredient cost will be based on the lower of: average  
617 wholesale price (AWP) minus 15.4 percent, wholesaler acquisition  
618 cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the  
619 state maximum allowable cost (SMAC), or the usual and customary  
620 (UAC) charge billed by the provider.

621       (b) For pharmacies with \$75,000 or more in average  
622 aggregate monthly payments, the Medicaid maximum allowable fee  
623 for ingredient cost will be based on the lower of: average  
624 wholesale price (AWP) minus 17 percent, wholesaler acquisition  
625 cost (WAC) plus 3.5 percent, the federal upper limit (FUL), the  
626 state maximum allowable cost (SMAC), or the usual and customary  
627 (UAC) charge billed by the provider.

628       (c) Medicaid providers are required to dispense generic  
629 drugs if available at lower cost and the agency has not  
630 determined that the branded product is more cost-effective,



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631 unless the prescriber has requested and received approval to  
 632 require the branded product. The agency is directed to implement  
 633 a variable dispensing fee for payments for prescribed medicines  
 634 while ensuring continued access for Medicaid recipients. The  
 635 variable dispensing fee may be based upon, but not limited to,  
 636 either or both the volume of prescriptions dispensed by a  
 637 specific pharmacy provider, the volume of prescriptions dispensed  
 638 to an individual recipient, and dispensing of preferred-drug-list  
 639 products. The agency may increase the pharmacy dispensing fee  
 640 authorized by statute and in the annual General Appropriations  
 641 Act by \$0.50 for the dispensing of a Medicaid preferred-drug-list  
 642 product and reduce the pharmacy dispensing fee by \$0.50 for the  
 643 dispensing of a Medicaid product that is not included on the  
 644 preferred drug list. The agency may establish a supplemental  
 645 pharmaceutical dispensing fee to be paid to providers returning  
 646 unused unit-dose packaged medications to stock and crediting the  
 647 Medicaid program for the ingredient cost of those medications if  
 648 the ingredient costs to be credited exceed the value of the  
 649 supplemental dispensing fee. The agency is authorized to limit  
 650 reimbursement for prescribed medicine in order to comply with any  
 651 limitations or directions provided for in the General  
 652 Appropriations Act, which may include implementing a prospective  
 653 or concurrent utilization review program.

654 (15) A provider of primary care case management services  
 655 rendered pursuant to a federally approved waiver shall be  
 656 reimbursed by payment of a fixed, prepaid monthly sum for each  
 657 Medicaid recipient enrolled with the provider.

658 (16) A provider of rural health clinic services and  
 659 federally qualified health center services shall be reimbursed a  
 660 rate per visit based on total reasonable costs of the clinic, as

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661 | determined by the agency in accordance with federal regulations.

662 |       (17) A provider of targeted case management services shall  
663 | be reimbursed pursuant to an established fee, except where the  
664 | Federal Government requires a public provider be reimbursed on  
665 | the basis of average actual costs.

666 |       (18) Unless otherwise provided for in the General  
667 | Appropriations Act, a provider of transportation services shall  
668 | be reimbursed the lesser of the amount billed by the provider or  
669 | the Medicaid maximum allowable fee established by the agency,  
670 | except when the agency has entered into a direct contract with  
671 | the provider, or with a community transportation coordinator, for  
672 | the provision of an all-inclusive service, or when services are  
673 | provided pursuant to an agreement negotiated between the agency  
674 | and the provider. The agency, as provided for in s. 427.0135,  
675 | shall purchase transportation services through the community  
676 | coordinated transportation system, if available, unless the  
677 | agency determines a more cost-effective method for Medicaid  
678 | clients. Nothing in this subsection shall be construed to limit  
679 | or preclude the agency from contracting for services using a  
680 | prepaid capitation rate or from establishing maximum fee  
681 | schedules, individualized reimbursement policies by provider  
682 | type, negotiated fees, prior authorization, competitive bidding,  
683 | increased use of mass transit, or any other mechanism that the  
684 | agency considers efficient and effective for the purchase of  
685 | services on behalf of Medicaid clients, including implementing a  
686 | transportation eligibility process. The agency shall not be  
687 | required to contract with any community transportation  
688 | coordinator or transportation operator that has been determined  
689 | by the agency, the Department of Legal Affairs Medicaid Fraud  
690 | Control Unit, or any other state or federal agency to have

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691 engaged in any abusive or fraudulent billing activities. The  
692 agency is authorized to competitively procure transportation  
693 services or make other changes necessary to secure approval of  
694 federal waivers needed to permit federal financing of Medicaid  
695 transportation services at the service matching rate rather than  
696 the administrative matching rate.

697 (19) County health department services shall be reimbursed  
698 a rate per visit based on total reasonable costs of the clinic,  
699 as determined by the agency in accordance with federal  
700 regulations under the authority of 42 C.F.R. s. 431.615.

701 (20) A renal dialysis facility that provides dialysis  
702 services under s. 409.906(9) must be reimbursed the lesser of the  
703 amount billed by the provider, the provider's usual and customary  
704 charge, or the maximum allowable fee established by the agency,  
705 whichever amount is less.

706 (21) The agency shall reimburse school districts which  
707 certify the state match pursuant to ss. 409.9071 and 1011.70 for  
708 the federal portion of the school district's allowable costs to  
709 deliver the services, based on the reimbursement schedule. The  
710 school district shall determine the costs for delivering services  
711 as authorized in ss. 409.9071 and 1011.70 for which the state  
712 match will be certified. Reimbursement of school-based providers  
713 is contingent on such providers being enrolled as Medicaid  
714 providers and meeting the qualifications contained in 42 C.F.R.  
715 s. 440.110, unless otherwise waived by the federal Health Care  
716 Financing Administration. Speech therapy providers who are  
717 certified through the Department of Education pursuant to rule  
718 6A-4.0176, Florida Administrative Code, are eligible for  
719 reimbursement for services that are provided on school premises.  
720 Any employee of the school district who has been fingerprinted

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721 and has received a criminal background check in accordance with  
722 Department of Education rules and guidelines shall be exempt from  
723 any agency requirements relating to criminal background checks.

724 (22) The agency shall request and implement Medicaid  
725 waivers from the federal Health Care Financing Administration to  
726 advance and treat a portion of the Medicaid nursing home per diem  
727 as capital for creating and operating a risk-retention group for  
728 self-insurance purposes, consistent with federal and state laws  
729 and rules.

730 (23) Establishing a Medicaid rate setting process --  
731 The agency is authorized to adopt fees, rates, or other  
732 methods of payment for Medicaid goods and services which may be  
733 amended from time to time consistent with the needs of the state  
734 Medicaid program and any limitations or directions provided for  
735 in the General Appropriations Act. This may be done  
736 retroactively if necessary to comply with any limitations or  
737 directions provided for in the General Appropriations Act. The  
738 agency shall not be required to comply with ch. 120 when setting  
739 rates and methods of payment. The substance of Medicaid rates  
740 shall not be subject to judicial review except to the extent  
741 decisions setting rates or methods of payment violate the  
742 Constitution or federal law.

743 (1) For determination of rates of payment for hospital  
744 services, nursing facility services, and services for  
745 intermediate care facilities for the developmentally disabled,

746 (a) Notice of proposed rates, the methodologies underlying  
747 the establishment of such rates, and justifications for the  
748 proposed rates shall be published in the Florida Administrative  
749 Weekly.

750 (i) The notice shall generally describe the proposed changes

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751 in rates or methodologies and the justification for change so as  
752 to put interested persons on reasonable notice of proposed  
753 changes of rates and methodologies and their justification.

754 (ii) The notice shall state how or where proposed rates,  
755 methodologies, and justifications can be obtained.

756 (iii) The notice shall state that comments will be received,  
757 the period of time during which they will be received, and the  
758 person to whom they should be sent.

759 (b) Providers, beneficiaries and their representatives, and  
760 other concerned state residents shall be given a reasonable  
761 opportunity for review and comment on the proposed rates,  
762 methodologies, and justifications.

763 (c) Notice of final rates, methodologies underlying the  
764 establishment of such rates, and justifications for such final  
765 rates shall be published in the Florida Administrative Weekly.  
766 The notice shall generally describe the final rates or  
767 methodologies and the justification for change so as to put  
768 interested persons on reasonable notice of the substance of final  
769 rates and methodologies and their justification.

770 (d) The notice shall state how or where final rates,  
771 methodologies, and justifications can be obtained.

772 (2) For determination of all other rates or methods of  
773 payment,

774 (a) Notice shall be published in the Florida Administrative  
775 Weekly at least 48 hours before the rates' effective date.

776 (b) The notice shall --

777 (i) Generally describe the proposed changes in rates or  
778 methodologies and the justification for change so as to put  
779 interested persons on reasonable notice of proposed changes of  
780 rates and methodologies and their justification;

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781        (ii) Estimate any changes in annual aggregate expenditures  
782 caused or anticipated by the change;

783        (iii) State how or where the proposed changes in rates or  
784 methodologies and the justification may be obtained; and

785        (iv) State where comments may be sent.

786

787        Section 8. Paragraph (a) of subsection (39) of section  
788 409.912, Florida Statutes, is amended, and subsection (50) is  
789 added to said section, to read:

790        409.912 Cost-effective purchasing of health care.--The  
791 agency shall purchase goods and services for Medicaid recipients  
792 in the most cost-effective manner consistent with the delivery of  
793 quality medical care. To ensure that medical services are  
794 effectively utilized, the agency may, in any case, require a  
795 confirmation or second physician's opinion of the correct  
796 diagnosis for purposes of authorizing future services under the  
797 Medicaid program. This section does not restrict access to  
798 emergency services or poststabilization care services as defined  
799 in 42 C.F.R. part 438.114. Such confirmation or second opinion  
800 shall be rendered in a manner approved by the agency. The agency  
801 shall maximize the use of prepaid per capita and prepaid  
802 aggregate fixed-sum basis services when appropriate and other  
803 alternative service delivery and reimbursement methodologies,  
804 including competitive bidding pursuant to s. 287.057, designed to  
805 facilitate the cost-effective purchase of a case-managed  
806 continuum of care. The agency shall also require providers to  
807 minimize the exposure of recipients to the need for acute  
808 inpatient, custodial, and other institutional care and the  
809 inappropriate or unnecessary use of high-cost services. The  
810 agency may mandate prior authorization, drug therapy management,

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811 or disease management participation for certain populations of  
 812 Medicaid beneficiaries, certain drug classes, or particular drugs  
 813 to prevent fraud, abuse, overuse, and possible dangerous drug  
 814 interactions. The Pharmaceutical and Therapeutics Committee shall  
 815 make recommendations to the agency on drugs for which prior  
 816 authorization is required. The agency shall inform the  
 817 Pharmaceutical and Therapeutics Committee of its decisions  
 818 regarding drugs subject to prior authorization. The agency is  
 819 authorized to limit the entities it contracts with or enrolls as  
 820 Medicaid providers by developing a provider network through  
 821 provider credentialing. The agency may limit its network based on  
 822 the assessment of beneficiary access to care, provider  
 823 availability, provider quality standards, time and distance  
 824 standards for access to care, the cultural competence of the  
 825 provider network, demographic characteristics of Medicaid  
 826 beneficiaries, practice and provider-to-beneficiary standards,  
 827 appointment wait times, beneficiary use of services, provider  
 828 turnover, provider profiling, provider licensure history,  
 829 previous program integrity investigations and findings, peer  
 830 review, provider Medicaid policy and billing compliance records,  
 831 clinical and medical record audits, and other factors. Providers  
 832 shall not be entitled to enrollment in the Medicaid provider  
 833 network. The agency is authorized to seek federal waivers  
 834 necessary to implement this policy.

835       (39)(a) The agency shall implement a Medicaid prescribed-  
 836 drug spending-control program that includes the following  
 837 components:

838       1. Medicaid prescribed-drug coverage for brand-name drugs  
 839 for adult Medicaid recipients is limited to the dispensing of  
 840 three ~~four~~ brand-name drugs and three generic drugs per month per

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841 recipient. Children are exempt from this restriction.  
842 ~~Antiretroviral agents are excluded from this limitation. No~~  
843 ~~requirements for prior authorization or other restrictions on~~  
844 ~~medications used to treat mental illnesses such as schizophrenia,~~  
845 ~~severe depression, or bipolar disorder may be imposed on Medicaid~~  
846 ~~recipients. Medications that will be available without~~  
847 ~~restriction for persons with mental illnesses include atypical~~  
848 ~~antipsychotic medications, conventional antipsychotic~~  
849 ~~medications, selective serotonin reuptake inhibitors, and other~~  
850 ~~medications used for the treatment of serious mental illnesses.~~  
851 The agency shall also limit the amount of a prescribed drug  
852 dispensed to no more than a 34-day supply. ~~The agency shall~~  
853 ~~continue to provide unlimited generic drugs, contraceptive drugs~~  
854 ~~and items, and diabetic supplies. Although a drug may be included~~  
855 ~~on the preferred drug formulary, it would not be exempt from the~~  
856 ~~three-brand four-brand limit or the generic drug limit. The~~  
857 ~~agency may authorize exceptions to the brand-name drug~~  
858 ~~restriction based upon the treatment needs of the patients, only~~  
859 ~~when such exceptions are based on prior consultation provided by~~  
860 ~~the agency or an agency contractor, but the agency must establish~~  
861 ~~procedures to ensure that:~~  
862       ~~a. There will be a response to a request for prior~~  
863 ~~consultation by telephone or other telecommunication device~~  
864 ~~within 24 hours after receipt of a request for prior~~  
865 ~~consultation;~~  
866       ~~b. A 72-hour supply of the drug prescribed will be provided~~  
867 ~~in an emergency or when the agency does not provide a response~~  
868 ~~within 24 hours as required by sub-subparagraph a.; and~~  
869       ~~c. Except for the exception for nursing home residents and~~  
870 ~~other institutionalized adults and except for drugs on the~~



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871 ~~restricted formulary for which prior authorization may be sought~~  
 872 ~~by an institutional or community pharmacy, prior authorization~~  
 873 ~~for an exception to the brand-name drug restriction is sought by~~  
 874 ~~the prescriber and not by the pharmacy. When prior authorization~~  
 875 ~~is granted for a patient in an institutional setting beyond the~~  
 876 ~~brand-name drug restriction, such approval is authorized for 12~~  
 877 ~~months and monthly prior authorization is not required for that~~  
 878 ~~patient.~~

879       2. Reimbursement to pharmacies for Medicaid prescribed  
 880 drugs shall be set at the lesser of:

881       a. The average wholesale price (AWP) minus 15.4 percent,  
 882 the wholesaler acquisition cost (WAC) plus 5.75 percent, the  
 883 federal upper limit (FUL), the state maximum allowable cost  
 884 (SMAC), or the usual and customary (UAC) charge billed by the  
 885 provider for pharmacies with less than \$75,000 in average  
 886 aggregate monthly payments.

887       b. The average wholesale price (AWP) minus 17 percent,  
 888 wholesaler acquisition cost (WAC) plus 3.5 percent, the federal  
 889 upper limit (FUL), the state maximum allowable cost (SMAC), or  
 890 the usual and customary (UAC) charge billed by the provider for  
 891 pharmacies with \$75,000 or more in average aggregate monthly  
 892 payments.

893       3. The agency shall develop and implement a process for  
 894 managing the drug therapies of Medicaid recipients who are using  
 895 significant numbers of prescribed drugs each month. The  
 896 management process may include, but is not limited to,  
 897 comprehensive, physician-directed medical-record reviews, claims  
 898 analyses, and case evaluations to determine the medical necessity  
 899 and appropriateness of a patient's treatment plan and drug  
 900 therapies. The agency may contract with a private organization to

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901 provide drug-program-management services. The Medicaid drug  
902 benefit management program shall include initiatives to manage  
903 drug therapies for HIV/AIDS patients, patients using 20 or more  
904 unique prescriptions in a 180-day period, and the top 1,000  
905 patients in annual spending. The agency shall enroll any Medicaid  
906 recipient in the drug benefit management program if he or she  
907 meets the specifications of this provision and is not enrolled in  
908 a Medicaid health maintenance organization.

909       4. The agency may limit the size of its pharmacy network  
910 based on need, competitive bidding, price negotiations,  
911 credentialing, or similar criteria. The agency shall give special  
912 consideration to rural areas in determining the size and location  
913 of pharmacies included in the Medicaid pharmacy network. A  
914 pharmacy credentialing process may include criteria such as a  
915 pharmacy's full-service status, location, size, patient  
916 educational programs, patient consultation, disease-management  
917 services, and other characteristics. The agency may impose a  
918 moratorium on Medicaid pharmacy enrollment when it is determined  
919 that it has a sufficient number of Medicaid-participating  
920 providers.

921       5. The agency shall develop and implement a program that  
922 requires Medicaid practitioners who prescribe drugs to use a  
923 counterfeit-proof prescription pad for Medicaid prescriptions.  
924 The agency shall require the use of standardized counterfeit-  
925 proof prescription pads by Medicaid-participating prescribers or  
926 prescribers who write prescriptions for Medicaid recipients. The  
927 agency may implement the program in targeted geographic areas or  
928 statewide.

929       6. The agency may enter into arrangements that require  
930 manufacturers of generic drugs prescribed to Medicaid recipients

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931 | to provide rebates of at least 15.1 percent of the average  
932 | manufacturer price for the manufacturer's generic products. These  
933 | arrangements shall require that if a generic-drug manufacturer  
934 | pays federal rebates for Medicaid-reimbursed drugs at a level  
935 | below 15.1 percent, the manufacturer must provide a supplemental  
936 | rebate to the state in an amount necessary to achieve a 15.1-  
937 | percent rebate level.

938 |       7. The agency may establish a preferred drug formulary in  
939 | accordance with 42 U.S.C. s. 1396r-8, and, pursuant to the  
940 | establishment of such formulary, it is authorized to negotiate  
941 | supplemental rebates from manufacturers that are in addition to  
942 | those required by Title XIX of the Social Security Act and at no  
943 | less than 14 percent of the average manufacturer price as defined  
944 | in 42 U.S.C. s. 1936 on the last day of a quarter unless the  
945 | federal or supplemental rebate, or both, equals or exceeds 29  
946 | percent. There is no upper limit on the supplemental rebates the  
947 | agency may negotiate. The agency may determine that specific  
948 | products, brand-name or generic, are competitive at lower rebate  
949 | percentages. Agreement to pay the minimum supplemental rebate  
950 | percentage will guarantee a manufacturer that the Medicaid  
951 | Pharmaceutical and Therapeutics Committee will consider a product  
952 | for inclusion on the preferred drug formulary. However, a  
953 | pharmaceutical manufacturer is not guaranteed placement on the  
954 | formulary by simply paying the minimum supplemental rebate.  
955 | Agency decisions will be made on the clinical efficacy of a drug  
956 | and recommendations of the Medicaid Pharmaceutical and  
957 | Therapeutics Committee, as well as the price of competing  
958 | products minus federal and state rebates. The agency is  
959 | authorized to contract with an outside agency or contractor to  
960 | conduct negotiations for supplemental rebates. For the purposes

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961 of this section, the term "supplemental rebates" means cash  
962 rebates. Effective July 1, 2004, value-added programs as a  
963 substitution for supplemental rebates are prohibited. The agency  
964 is authorized to seek any federal waivers to implement this  
965 initiative.

966 8. The agency shall establish an advisory committee for the  
967 purposes of studying the feasibility of using a restricted drug  
968 formulary for nursing home residents and other institutionalized  
969 adults. The committee shall be comprised of seven members  
970 appointed by the Secretary of Health Care Administration. The  
971 committee members shall include two physicians licensed under  
972 chapter 458 or chapter 459; three pharmacists licensed under  
973 chapter 465 and appointed from a list of recommendations provided  
974 by the Florida Long-Term Care Pharmacy Alliance; and two  
975 pharmacists licensed under chapter 465.

976 9. The Agency for Health Care Administration shall expand  
977 home delivery of pharmacy products. To assist Medicaid patients  
978 in securing their prescriptions and reduce program costs, the  
979 agency shall expand its current mail-order-pharmacy diabetes-  
980 supply program to include all generic and brand-name drugs used  
981 by Medicaid patients with diabetes. Medicaid recipients in the  
982 current program may obtain nondiabetes drugs on a voluntary  
983 basis. This initiative is limited to the geographic area covered  
984 by the current contract. The agency may seek and implement any  
985 federal waivers necessary to implement this subparagraph.

986 10. The agency shall limit to one dose per month any drug  
987 prescribed to treat erectile dysfunction.

988 11.a. The agency shall implement a Medicaid behavioral drug  
989 management system. The agency may contract with a vendor that has  
990 experience in operating behavioral drug management systems to

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991 | implement this program. The agency is authorized to seek federal  
992 | waivers to implement this program.

993 |       b. The agency, in conjunction with the Department of  
994 | Children and Family Services, may implement the Medicaid  
995 | behavioral drug management system that is designed to improve the  
996 | quality of care and behavioral health prescribing practices based  
997 | on best practice guidelines, improve patient adherence to  
998 | medication plans, reduce clinical risk, and lower prescribed drug  
999 | costs and the rate of inappropriate spending on Medicaid  
1000 | behavioral drugs. The program shall include the following  
1001 | elements:

1002 |       (I) Provide for the development and adoption of best  
1003 | practice guidelines for behavioral health-related drugs such as  
1004 | antipsychotics, antidepressants, and medications for treating  
1005 | bipolar disorders and other behavioral conditions; translate them  
1006 | into practice; review behavioral health prescribers and compare  
1007 | their prescribing patterns to a number of indicators that are  
1008 | based on national standards; and determine deviations from best  
1009 | practice guidelines.

1010 |       (II) Implement processes for providing feedback to and  
1011 | educating prescribers using best practice educational materials  
1012 | and peer-to-peer consultation.

1013 |       (III) Assess Medicaid beneficiaries who are outliers in  
1014 | their use of behavioral health drugs with regard to the numbers  
1015 | and types of drugs taken, drug dosages, combination drug  
1016 | therapies, and other indicators of improper use of behavioral  
1017 | health drugs.

1018 |       (IV) Alert prescribers to patients who fail to refill  
1019 | prescriptions in a timely fashion, are prescribed multiple same-

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1020 | class behavioral health drugs, and may have other potential  
1021 | medication problems.

1022 |       (V)   Track spending trends for behavioral health drugs and  
1023 | deviation from best practice guidelines.

1024 |       (VI)   Use educational and technological approaches to  
1025 | promote best practices, educate consumers, and train prescribers  
1026 | in the use of practice guidelines.

1027 |       (VII)   Disseminate electronic and published materials.

1028 |       (VIII)   Hold statewide and regional conferences.

1029 |       (IX)   Implement a disease management program with a model  
1030 | quality-based medication component for severely mentally ill  
1031 | individuals and emotionally disturbed children who are high users  
1032 | of care.

1033 |       c.   If the agency is unable to negotiate a contract with one  
1034 | or more manufacturers to finance and guarantee savings associated  
1035 | with a behavioral drug management program by September 1, 2004,  
1036 | the four-brand drug limit and preferred drug list prior-  
1037 | authorization requirements shall apply to mental health-related  
1038 | drugs, notwithstanding any provision in subparagraph 1. The  
1039 | agency is authorized to seek federal waivers to implement this  
1040 | policy.

1041 |       12.   The agency is authorized to contract for drug rebate  
1042 | administration, including, but not limited to, calculating rebate  
1043 | amounts, invoicing manufacturers, negotiating disputes with  
1044 | manufacturers, and maintaining a database of rebate collections.

1045 |       13.   The agency may specify the preferred daily dosing form  
1046 | or strength for the purpose of promoting best practices with  
1047 | regard to the prescribing of certain drugs as specified in the  
1048 | General Appropriations Act and ensuring cost-effective  
1049 | prescribing practices.

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1050           14. The agency may require prior authorization for the off-  
1051 label use of Medicaid-covered prescribed drugs as specified in  
1052 the General Appropriations Act. The agency may, but is not  
1053 required to, preauthorize the use of a product for an indication  
1054 not in the approved labeling. Prior authorization may require the  
1055 prescribing professional to provide information about the  
1056 rationale and supporting medical evidence for the off-label use  
1057 of a drug.

1058           15. The agency shall implement a return and reuse program  
1059 for drugs dispensed by pharmacies to institutional recipients,  
1060 which includes payment of a \$5 restocking fee for the  
1061 implementation and operation of the program. The return and reuse  
1062 program shall be implemented electronically and in a manner that  
1063 promotes efficiency. The program must permit a pharmacy to  
1064 exclude drugs from the program if it is not practical or cost-  
1065 effective for the drug to be included and must provide for the  
1066 return to inventory of drugs that cannot be credited or returned  
1067 in a cost-effective manner.

1068           (50) The agency may implement a program of all-inclusive  
1069 care for children to reduce the need for hospitalization of  
1070 children, as appropriate. The purpose of the program is to  
1071 provide in-home hospice-like support services to children  
1072 diagnosed with a life-threatening illness who are enrolled in the  
1073 Children's Medical Services Network. The agency, in consultation  
1074 with the Department of Health, may implement the program of all-  
1075 inclusive care for children after obtaining approval from the  
1076 Centers for Medicare and Medicaid Services.

1077           Section 9. Subsections (6) and (7) are added to section  
1078 409.9124, Florida Statutes, to read:

1079           409.9124 Managed care reimbursement.--

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1080        (6) The agency shall develop rates for children age 0-3  
 1081 months and separate rates for children age 4-12 months. The  
 1082 agency shall amend the payment methodology for participating  
 1083 Medicaid-managed health care plans to comply with this  
 1084 subsection.

1085        (7) The agency shall not pay rates at per-member per-month  
 1086 averages higher than that allowed for in the General  
 1087 Appropriations Act.

1088        Section 10. Except as otherwise provided herein, this act  
 1089 shall take effect July 1, 2005.



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1                   A bill to be entitled  
2       An act relating to economic eligibility services; amending  
3       s. 409.2564, F.S.; correcting a cross reference; amending  
4       s. 414.065, F.S.; aligning food stamp sanctions with  
5       federal penalties; deleting provisions relating to  
6       continuation of temporary cash assistance for children  
7       through protective payees; amending s. 414.095, F.S.;  
8       clarifying eligibility for temporary cash assistance for  
9       teen parents; deleting additional eligibility options  
10      relating to families containing a stepparent; correcting  
11      cross references; amending s. 414.105, F.S.; aligning time  
12      limitations for temporary cash assistance with federal  
13      requirements; deleting provisions relating to review  
14      panels; amending s. 414.32, F.S.; deleting food stamp  
15      sanctions for persons who are delinquent on child support  
16      payments; amending s. 445.048, F.S.; correcting a cross  
17      reference; repealing s. 114 of ch. 2004-267, Laws of  
18      Florida, relating to the Economic Self-Sufficiency  
19      Services program eligibility determination functions;  
20      providing an effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

23  
24       Section 1. Subsection (12) of section 409.2564, Florida  
25       Statutes, is amended to read:

26       409.2564   Actions for support.--

27       (12)   The Title IV-D agency shall review child support  
28       orders in IV-D cases at least every 3 years upon request by  
29       either party, or the agency in cases where there is an assignment

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of support to the state under s. 414.095(7)-(8), and may seek adjustment of the order if appropriate under the guidelines established in s. 61.30. Not less than once every 3 years the IV-D agency shall provide notice to the parties subject to the order informing them of their right to request a review and, if appropriate, an adjustment of the child support order. Said notice requirement may be met by including appropriate language in the initial support order or any subsequent orders.

Section 2. Subsections (3) through (5) of section 414.065, Florida Statutes, are renumbered as subsections (2) through (4), respectively, and present subsections (1) and (2) of said section are amended to read:

414.065 Noncompliance with work requirements.--

(1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.--~~The department shall establish procedures for administering penalties for nonparticipation in work requirements and failure to comply with the alternative requirement plan.~~ If an individual in a family receiving temporary cash assistance fails to engage in work activities required under in accordance with s. 445.024 or under an alternative requirement plan as described in subsection (3), the department shall administer sanctions consistent with federal food stamp regulations as provided under 7 C.F.R. part 273, including the state option to disqualify the entire household when the head of the household is noncompliant ~~following penalties shall apply.~~ Prior to the imposition of a sanction, the participant shall be notified orally or in writing that the participant is subject to sanction and that action will be taken to impose the sanction unless the participant complies

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59 with the work activity requirements or the alternative  
60 requirement plan. The participant shall be counseled as to the  
61 consequences of noncompliance and, if appropriate, shall be  
62 referred for services that could assist the participant to fully  
63 comply with program requirements. If the participant has good  
64 cause for noncompliance or demonstrates satisfactory compliance,  
65 the sanction shall not be imposed. If the participant has  
66 subsequently obtained employment, the participant shall be  
67 counseled regarding the transitional benefits that may be  
68 available and provided information about how to access such  
69 benefits. The department shall administer sanctions related to  
70 food stamps consistent with federal regulations.

71 ~~(a)1. First noncompliance: temporary cash assistance shall~~  
72 ~~be terminated for the family for a minimum of 10 days or until~~  
73 ~~the individual who failed to comply does so.~~

74 ~~2. Second noncompliance: temporary cash assistance shall be~~  
75 ~~terminated for the family for 1 month or until the individual who~~  
76 ~~failed to comply does so, whichever is later. Upon meeting this~~  
77 ~~requirement, temporary cash assistance shall be reinstated to the~~  
78 ~~date of compliance or the first day of the month following the~~  
79 ~~penalty period, whichever is later.~~

80 ~~3. Third noncompliance: temporary cash assistance shall be~~  
81 ~~terminated for the family for 3 months or until the individual~~  
82 ~~who failed to comply does so, whichever is later. The individual~~  
83 ~~shall be required to comply with the required work activity upon~~  
84 ~~completion of the 3-month penalty period, before reinstatement of~~  
85 ~~temporary cash assistance. Upon meeting this requirement,~~  
86 ~~temporary cash assistance shall be reinstated to the date of~~

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~~compliance or the first day of the month following the penalty period, whichever is later.~~

~~(b) If a participant receiving temporary cash assistance who is otherwise exempted from noncompliance penalties fails to comply with the alternative requirement plan required in accordance with this section, the penalties provided in paragraph (a) shall apply.~~

~~If a participant fully complies with work activity requirements for at least 6 months, the participant shall be reinstated as being in full compliance with program requirements for purpose of sanctions imposed under this section.~~

~~(2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR CHILDREN, PROTECTIVE PAYEES.~~

~~(a) Upon the second or third occurrence of noncompliance, temporary cash assistance and food stamps for the child or children in a family who are under age 16 may be continued. Any such payments must be made through a protective payee or, in the case of food stamps, through an authorized representative. Under no circumstances shall temporary cash assistance or food stamps be paid to an individual who has failed to comply with program requirements.~~

~~(b) Protective payees shall be designated by the department and may include:~~

~~1. A relative or other individual who is interested in or concerned with the welfare of the child or children and agrees in writing to utilize the assistance in the best interest of the child or children.~~

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115       ~~2. A member of the community affiliated with a religious,~~  
116 ~~community, neighborhood, or charitable organization who agrees in~~  
117 ~~writing to utilize the assistance in the best interest of the~~  
118 ~~child or children.~~

119       ~~3. A volunteer or member of an organization who agrees in~~  
120 ~~writing to fulfill the role of protective payee and to utilize~~  
121 ~~the assistance in the best interest of the child or children.~~

122       ~~(c) The protective payee designated by the department shall~~  
123 ~~be the authorized representative for purposes of receiving food~~  
124 ~~stamps on behalf of a child or children under age 16. The~~  
125 ~~authorized representative must agree in writing to use the food~~  
126 ~~stamps in the best interest of the child or children.~~

127       ~~(d) If it is in the best interest of the child or children,~~  
128 ~~as determined by the department, for the staff member of a~~  
129 ~~private agency, a public agency, the department, or any other~~  
130 ~~appropriate organization to serve as a protective payee or~~  
131 ~~authorized representative, such designation may be made, except~~  
132 ~~that a protective payee or authorized representative must not be~~  
133 ~~any individual involved in determining eligibility for temporary~~  
134 ~~cash assistance or food stamps for the family, staff handling any~~  
135 ~~fiscal processes related to issuance of temporary cash assistance~~  
136 ~~or food stamps, or landlords, grocers, or vendors of goods,~~  
137 ~~services, or items dealing directly with the participant.~~

138       ~~(e) The department may pay incidental expenses or travel~~  
139 ~~expenses for costs directly related to performance of the duties~~  
140 ~~of a protective payee as necessary to implement the provisions of~~  
141 ~~this subsection.~~

142       Section 3. Subsections (5) through (19) of section 414.095,  
143 Florida Statutes, are renumbered as subsections (4) through (18),

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144 respectively, and paragraph (a) of subsection (2), present  
145 subsection (4), paragraphs (c) and (e) of present subsection  
146 (15), and present subsection (17) of said section are amended to  
147 read:

148       414.095 Determining eligibility for temporary cash  
149 assistance.--

150       (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

151       (a) To be eligible for services or temporary cash  
152 assistance and Medicaid:

153       1. An applicant must be a United States citizen, or a  
154 qualified noncitizen, as defined in this section.

155       2. An applicant must be a legal resident of the state.

156       3. Each member of a family must provide to the department  
157 the member's social security number or shall provide proof of  
158 application for a social security number. An individual who fails  
159 to provide ~~to the department~~ a social security number, or proof  
160 of application for a social security number, is not eligible to  
161 participate in the program.

162       4. A minor child must reside with a custodial parent or  
163 parents, ~~or~~ with a relative caretaker who is within the specified  
164 degree of blood relationship as defined by 45 C.F.R. part 233  
165 ~~under this chapter~~, or, if the minor is a teen parent with a  
166 child, in a setting approved by the department as provided in  
167 subsection (14).

168       5. Each family must have a minor child and meet the income  
169 and resource requirements of the program. All minor children who  
170 live in the family, as well as the parents of the minor children,  
171 shall be included in the eligibility determination unless  
172 specifically excluded.

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173       ~~(4) STEPPARENTS. A family that contains a stepparent has~~  
174       ~~the following special eligibility options if the family meets all~~  
175       ~~other eligibility requirements.~~

176       ~~(a) A family that does not contain a mutual minor child has~~  
177       ~~the option to include or exclude a stepparent in determining~~  
178       ~~eligibility if the stepparent's monthly gross income is less than~~  
179       ~~185 percent of the federal poverty level for a two person family.~~

180       ~~1. If the stepparent chooses to be excluded from the~~  
181       ~~family, temporary cash assistance, without shelter expense, shall~~  
182       ~~be provided for the child. The parent of the child must comply~~  
183       ~~with work activity requirements as provided in s. 445.024. Income~~  
184       ~~and resources from the stepparent may not be included in~~  
185       ~~determining eligibility; however, any income and resources from~~  
186       ~~the parent of the child shall be included in determining~~  
187       ~~eligibility.~~

188       ~~2. If a stepparent chooses to be included in the family,~~  
189       ~~the department shall determine eligibility using the requirements~~  
190       ~~for a nonstepparent family. A stepparent whose income is equal to~~  
191       ~~or greater than 185 percent of the federal poverty level for a~~  
192       ~~two person family does not have the option to be excluded from~~  
193       ~~the family, and all income and resources of the stepparent shall~~  
194       ~~be included in determining the family's eligibility.~~

195       ~~(b) A family that contains a mutual minor child does not~~  
196       ~~have the option to exclude a stepparent from the family, and the~~  
197       ~~income and resources from the stepparent shall be included in~~  
198       ~~determining eligibility.~~

199       ~~(c) A family that contains two stepparents, with or without~~  
200       ~~a mutual minor child, does not have the option to exclude a~~

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~~stepparent from the family, and the income and resources from  
each stepparent must be included in determining eligibility.~~

~~(14)~~ (15) PROHIBITIONS AND RESTRICTIONS.--

(c) The teen parent is not required to live with a parent,  
legal guardian, or other adult caretaker relative if the  
department determines that:

1. The teen parent has suffered or might suffer harm in the  
home of the parent, legal guardian, or adult caretaker relative.

2. The requirement is not in the best interest of the teen  
parent or the child. If the department determines that it is not  
in the best interest of the teen parent or child to reside with a  
parent, legal guardian, or other adult caretaker relative, the  
department shall provide or assist the teen parent in finding a  
suitable home, a second-chance home, a maternity home, or other  
appropriate adult-supervised supportive living arrangement. Such  
living arrangement may include a shelter obligation in accordance  
with subsection (10) ~~(11)~~.

The department may not delay providing temporary cash assistance  
to the teen parent through the alternative payee designated by  
the department pending a determination as to where the teen  
parent should live and sufficient time for the move itself. A  
teen parent determined to need placement that is unavailable  
shall continue to be eligible for temporary cash assistance so  
long as the teen parent cooperates with the department and the  
Department of Health. The teen parent shall be provided with  
counseling to make the transition from independence to supervised  
living and with a choice of living arrangements.



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229           (e) If a parent or caretaker relative does not assign any  
230 rights a family member may have to support from any other person  
231 as required by subsection (7)~~(8)~~, temporary cash assistance to  
232 the entire family shall be denied until the parent or caretaker  
233 relative assigns the rights to the department.

234           ~~(16)~~~~(17)~~ PROPORTIONAL REDUCTION.--If the Social Services  
235 Estimating Conference forecasts an increase in the temporary cash  
236 assistance caseload and there is insufficient funding, a  
237 proportional reduction as determined by the department shall be  
238 applied to the levels of temporary cash assistance in subsection  
239 (10)~~(11)~~.

240           Section 4. Section 414.105, Florida Statutes, is amended to  
241 read:

242           414.105 Time limitations of temporary cash  
243 assistance.--Except as ~~Unless~~ otherwise ~~expressly~~ provided in  
244 this section ~~chapter~~, an applicant or current participant shall  
245 receive temporary cash assistance for no ~~episodes of not more~~  
246 ~~than 24 cumulative months in any consecutive 60-month period that~~  
247 ~~begins with the first month of participation and for not more~~  
248 ~~than a lifetime cumulative total of 48 months as an adult, unless~~  
249 otherwise provided by law.

250           ~~(1) The time limitation for episodes of temporary cash~~  
251 ~~assistance may not exceed 36 cumulative months in any consecutive~~  
252 ~~72-month period that begins with the first month of participation~~  
253 ~~and may not exceed a lifetime cumulative total of 48 months of~~  
254 ~~temporary cash assistance as an adult, for cases in which the~~  
255 ~~participant.~~

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256       ~~(a) Has received aid to families with dependent children or~~  
257       ~~temporary cash assistance for any 36 months of the preceding 60~~  
258       ~~months; or~~

259       ~~(b) Is a custodial parent under the age of 24 who:~~

260       ~~1. Has not completed a high school education or its~~  
261       ~~equivalent; or~~

262       ~~2. Had little or no work experience in the preceding year.~~

263       ~~(2) A participant who is not exempt from work activity~~  
264       ~~requirements may earn 1 month of eligibility for extended~~  
265       ~~temporary cash assistance, up to a maximum of 12 additional~~  
266       ~~months, for each month in which the participant is fully~~  
267       ~~complying with the work activities of the WAGES Program through~~  
268       ~~subsidized or unsubsidized public or private sector employment.~~  
269       ~~The period for which extended temporary cash assistance is~~  
270       ~~granted shall be based upon compliance with WAGES Program~~  
271       ~~requirements beginning October 1, 1996.~~

272       ~~(3) A WAGES participant who is not exempt from work~~  
273       ~~activity requirements and who participates in a recommended~~  
274       ~~mental health or substance abuse treatment program may earn 1~~  
275       ~~month of eligibility for extended temporary cash assistance, up~~  
276       ~~to a maximum of 12 additional months, for each month in which the~~  
277       ~~individual fully complies with the requirements of the treatment~~  
278       ~~program. This treatment credit may be awarded only upon the~~  
279       ~~successful completion of the treatment program and only once~~  
280       ~~during the 48-month time limit.~~

281       ~~(1) (4) A participant may not receive temporary cash~~  
282       ~~assistance under this subsection, in combination with other~~  
283       ~~periods of temporary cash assistance for longer than a lifetime~~  
284       ~~limit of 48 months. Hardship exemptions to the time limitations~~

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285 | provided in this section ~~of this chapter~~ shall be limited to 20  
 286 | percent of the average monthly caseload, as determined by the  
 287 | department in cooperation with Workforce Florida, Inc. Criteria  
 288 | for hardship exemptions include:  
 289 |       (a) Diligent participation in activities, combined with  
 290 | inability to obtain employment.  
 291 |       (b) Diligent participation in activities, combined with  
 292 | extraordinary barriers to employment, including the conditions  
 293 | which may result in an exemption to work requirements.  
 294 |       (c) Significant barriers to employment, combined with a  
 295 | need for additional time.  
 296 |       (d) Diligent participation in activities and a need by teen  
 297 | parents for an exemption in order to have 24 months of  
 298 | eligibility beyond receipt of the high school diploma or  
 299 | equivalent.  
 300 |       (e) A recommendation of extension for a minor child of a  
 301 | participating family that has reached the end of the eligibility  
 302 | period for temporary cash assistance. The recommendation must be  
 303 | the result of a review which determines that the termination of  
 304 | the child's temporary cash assistance would be likely to result  
 305 | in the child being placed into emergency shelter or foster care.  
 306 | ~~Temporary cash assistance shall be provided through a protective~~  
 307 | ~~payee. Staff of the Child Care Services Program Office of the~~  
 308 | ~~department shall conduct all assessments in each case in which it~~  
 309 | ~~appears a child may require continuation of temporary cash~~  
 310 | ~~assistance through a protective payee.~~  
 311 |       (2) (5) ~~In addition to the exemptions listed in subsection~~  
 312 | ~~(3),~~ A victim of domestic violence may be granted a hardship  
 313 | exemption if the effects of such domestic violence delay or

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314 otherwise interrupt or adversely affect the individual's  
315 participation in the program.

316 (3)~~(6)~~ The department, in cooperation with Workforce  
317 Florida, Inc., shall establish a procedure for approving hardship  
318 exemptions and for reviewing hardship cases at least once every 2  
319 years. Regional workforce boards may assist in making these  
320 determinations. ~~The composition of any review panel must~~  
321 ~~generally reflect the racial, gender, and ethnic diversity of the~~  
322 ~~community as a whole. Members of a review panel shall serve~~  
323 ~~without compensation but are entitled to receive reimbursement~~  
324 ~~for per diem and travel expenses as provided in s. 112.061.~~

325 (4)~~(7)~~ For individuals who have moved from another state,  
326 the months in which temporary cash assistance was received under  
327 a block grant program that provided temporary assistance for  
328 needy families in any state shall count towards the cumulative  
329 48-month benefit limit for temporary cash assistance.

330 (5)~~(8)~~ For individuals subject to a time limitation under  
331 the Family Transition Act of 1993, that time limitation shall  
332 continue to apply. Months in which temporary cash assistance was  
333 received through the family transition program shall count  
334 towards the time limitations under this section ~~chapter~~.

335 (6)~~(9)~~ Except when temporary cash assistance was received  
336 through the family transition program, the calculation of the  
337 time limitation for temporary cash assistance shall begin with  
338 the first month of receipt of temporary cash assistance after the  
339 effective date of this act.

340 (7)~~(10)~~ Child-only cases are not subject to time  
341 limitations, and temporary cash assistance received while an

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342 individual is a minor child shall not count towards time  
343 limitations.

344       ~~(8)-(11)~~ An individual who receives benefits under the  
345 Supplemental Security Income (SSI) program or the Social Security  
346 Disability Insurance (SSDI) program is not subject to time  
347 limitations. An individual who has applied for supplemental  
348 security income (SSI) or supplemental security disability income  
349 (SSDI), but has not yet received a determination must be granted  
350 an extension of time limits until the individual receives a final  
351 determination on the SSI or SSDI application. Determination shall  
352 be considered final once all appeals have been exhausted,  
353 benefits have been received, or denial has been accepted without  
354 any appeal. While awaiting a final determination, the ~~such~~  
355 individual must continue to meet all program requirements  
356 assigned to the participant based on medical ability to comply.  
357 If a final determination results in the denial of benefits for  
358 supplemental security income (SSI) or supplemental security  
359 disability income (SSDI), any period during which the recipient  
360 received assistance under this section ~~chapter~~ shall be counted  
361 in count ~~against~~ the recipient's 48-month lifetime limit.

362       ~~(9)-(12)~~ A person who is totally responsible for the  
363 personal care of a disabled family member is not subject to time  
364 limitations if the need for the care is verified and alternative  
365 care is not available for the family member. The department shall  
366 annually evaluate an individual's qualifications for this  
367 exemption.

368       ~~(10)-(13)~~ A member of the staff of the regional workforce  
369 board shall interview and assess the employment prospects and  
370 barriers of each participant who is within 6 months of reaching

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371 the 48-month ~~24-month~~ time limit. The staff member shall assist  
372 the participant in identifying actions necessary to become  
373 employed prior to reaching the benefit time limit for temporary  
374 cash assistance and, if appropriate, shall refer the participant  
375 for services that could facilitate employment.

376 Section 5. Subsections (3) through (5) of section 414.32,  
377 Florida Statutes, are renumbered as subsections (2) through (4),  
378 respectively, and present subsection (2) of said section is  
379 amended to read:

380 414.32 Prohibitions and restrictions with respect to food  
381 stamps.--

382 ~~(2) DISQUALIFICATION FOR CHILD SUPPORT ARREARS. An~~  
383 ~~individual is ineligible to participate in the food stamp program~~  
384 ~~as a member of a food stamp assistance group during any month in~~  
385 ~~which the individual is delinquent in any payment due under a~~  
386 ~~court order for the support of a child. This subsection does not~~  
387 ~~apply if the court is allowing the individual to delay payment~~  
388 ~~for the support of a child or if the individual is complying with~~  
389 ~~a payment plan approved by the court or the state agency that~~  
390 ~~administers the child support enforcement program.~~

391 Section 6. Subsection (3) of section 445.048, Florida  
392 Statutes, as amended by chapter 2004-269, Laws of Florida, is  
393 amended to read:

394 445.048 Passport to Economic Progress demonstration  
395 program.--

396 (3) INCOME DISREGARD.--In order to provide an additional  
397 incentive for employment, and notwithstanding the amount  
398 specified in s. 414.095 (11) ~~(12)~~, for individuals residing in the  
399 areas designated for this demonstration program, the first \$300

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400 | plus one-half of the remainder of earned income shall be  
 401 | disregarded in determining eligibility for temporary cash  
 402 | assistance. All other conditions and requirements of s.  
 403 | 414.095 (11) ~~(12)~~ shall continue to apply to such individuals.

404 |       Section 7.   Section 114 of chapter 2004-267, Laws of  
 405 | Florida, is repealed.

406 |       Section 8.   This act shall take effect July 1, 2005.

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1                   A bill to be entitled  
2       An act relating to the regulation of health care  
3       professionals; amending s. 456.013, F.S.; deleting the  
4       requirement that the Department of Health issue wall  
5       certificates; requiring licensees with licenses issued in  
6       error to surrender certain documents to the department;  
7       amending s. 456.017, F.S.; specifying that a state-  
8       developed test is not permitted if a national examination  
9       has been certified by the department; clarifying the  
10      limitation on who may challenge the validity of an  
11      examination; permitting the department to post examination  
12      scores on the Internet; amending s. 456.025, F.S.;  
13      deleting an obsolete provision; amending s. 456.036, F.S.;  
14      providing for a retired license status and providing a fee  
15      for such status; authorizing the department to reexamine  
16      certain licensees under certain circumstances; providing  
17      requirements for retired status licensees to reactivate  
18      their licenses; amending s. 464.201, F.S.; defining  
19      "practice of a certified nursing assistant"; amending s.  
20      464.202, F.S.; requiring the Board of Nursing to adopt  
21      rules to specify the scope of practice for certified  
22      nursing assistants; amending s. 464.203, F.S.; providing  
23      for the renewal of nursing assistant certification;  
24      providing for a fee; reducing the hours of inservice  
25      training required of certified nursing assistants;  
26      requiring certification as a nursing assistant to be  
27      renewed and authorizing a fee for such renewal; requiring  
28      the department to adopt rules regarding such renewal;  
29      providing that certificates not renewed by a specified  
30      date are void; providing an effective date.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Subsection (2) of section 456.013, Florida  
35 Statutes, is amended to read:

36 456.013 Department; general licensing provisions.--

37 (2) Before the issuance of any license, the department  
38 shall charge an initial license fee as determined by the  
39 applicable board or, if there is no ~~such~~ board ~~exists~~, by rule of  
40 the department. Upon receipt of the appropriate license fee, the  
41 department shall issue a license to any person certified by the  
42 appropriate board, or its designee, as having met the licensure  
43 requirements imposed by law or rule. The license shall consist of  
44 a wallet-size identification card and a wall card measuring 6 1/2  
45 inches by 5 inches. ~~In addition to the two-part license, the~~  
46 ~~department, at the time of initial licensure, shall issue a wall~~  
47 ~~certificate suitable for conspicuous display, which shall be no~~  
48 ~~smaller than 8 1/2 inches by 14 inches.~~ The licensee shall  
49 surrender to the department the wallet-size identification card  
50 ~~and, the wall card, and the wall certificate, if one has been~~  
51 ~~issued by the department,~~ if the licensee's license was issued in  
52 error or is revoked.

53 Section 2. Paragraph (c) of subsection (1) and subsection  
54 (2) of section 456.017, Florida Statutes, are amended, and  
55 subsection (7) is added to said section, to read:

56 456.017 Examinations.--

57 (1)

58 (c) ~~1-~~ The board, or the department when there is no board,  
59 shall approve by rule the use of one or more national  
60 examinations which the department has certified as meeting

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61 requirements of national examinations and generally accepted  
62 testing standards pursuant to department rules.

63       1. Providers of examinations seeking certification ~~by the~~  
64 ~~department~~ shall pay the actual costs incurred by the department  
65 in making a determination regarding the certification. The name  
66 and number of a candidate may be provided to a national  
67 contractor for the limited purpose of preparing the grade tape  
68 and information to be returned to the board or department; or, to  
69 the extent otherwise specified by rule, the candidate may apply  
70 directly to the vendor of the national examination and supply  
71 test score information to the department. The department may  
72 delegate to the board the duty to provide and administer the  
73 examination. Any national examination approved by a board, or the  
74 department when there is no board, prior to October 1, 1997, is  
75 deemed certified under this paragraph.

76       2. ~~The board, or the department when there is no board,~~  
77 ~~shall approve and begin administering a national examination no~~  
78 ~~later than December 31, 2001.~~ Neither the board nor the  
79 department may administer a state-developed written examination  
80 if a national examination has been certified by the department  
81 ~~after December 31, 2001, notwithstanding any other provision of~~  
82 ~~law.~~ The examination may be administered electronically if  
83 adequate security measures are used, as determined by rule of the  
84 department.

85       3. The board, or the department when there is no board, may  
86 administer a state-developed practical or clinical examination,  
87 as required by the applicable practice act, if all costs of  
88 development, purchase, validation, administration, review, and  
89 defense are paid by the examination candidate prior to the  
90 administration of the examination. If a national practical or

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clinical examination is available and certified by the department pursuant to this section, the board, or the department when there is no board, may administer the national examination.

4. It is the intent of the Legislature to reduce the costs associated with state examinations and to encourage the use of national examinations whenever possible.

(2) For each examination developed by the department or a contracted vendor, the board, or the department when there is no board, shall adopt rules providing for reexamination of any applicants who failed an examination developed by the department or a contracted vendor. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which the applicant failed to achieve a passing grade, if the applicant successfully passes that portion within a reasonable time, as determined by rule of the board, or the department when there is no board, of passing the other portion. Except for national examinations approved and administered pursuant to this section, the department shall provide procedures for applicants who fail an examination developed by the department or a contracted vendor to review their examination questions, answers, papers, grades, and grading key for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection. An applicant may waive in writing the confidentiality of the applicant's examination grades. Notwithstanding any other provisions, only candidates who fail an examination with a score that is ~~by~~ less than 10 percent below the minimum score required to pass the

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120 examination shall be entitled to challenge the validity of the  
121 examination at hearing.

122 (7) The department may post examination scores  
123 electronically on the Internet in lieu of mailing the scores to  
124 each applicant. Such electronic posting of the examination scores  
125 meets the requirements of chapter 120 if the department also  
126 posts with the examination scores a notification of rights as set  
127 forth in chapter 120. The date of receipt for purposes of chapter  
128 120 shall be the date the examination scores are posted  
129 electronically. The department shall also notify the examinee  
130 when scores are posted electronically of the availability of a  
131 postexamination review, if applicable.

132 Section 3. Subsections (5) through (11) of section 456.025,  
133 Florida Statutes, are renumbered as subsections (4) through (10),  
134 respectively, and present subsection (4) of said section is  
135 amended to read:

136 456.025 Fees; receipts; disposition.--

137 ~~(4) Each board, or the department if there is no board, may~~  
138 ~~charge a fee not to exceed \$25, as determined by rule, for the~~  
139 ~~issuance of a wall certificate pursuant to s. 456.013(2)~~  
140 ~~requested by a licensee who was licensed prior to July 1, 1998,~~  
141 ~~or for the issuance of a duplicate wall certificate requested by~~  
142 ~~any licensee.~~

143 Section 4. Subsections (1), (2), and (4) of section  
144 456.036, Florida Statutes, are amended, subsections (10), (12),  
145 and (13) are renumbered as subsections (11), (14), and (15),  
146 respectively, present subsection (11) is renumbered as subsection  
147 (13) and amended, and new subsections (10) and (12) are added to  
148 said section, to read:

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149           456.036   Licenses; active, ~~and~~ inactive, and retired status;  
150   delinquency.--

151           (1)   A licensee may practice a profession only if the  
152   licensee has an active status license. A licensee who practices a  
153   profession with an inactive status, retired status, or delinquent  
154   ~~without an active status~~ license is in violation of this section  
155   and s. 456.072, and the board, or the department if there is no  
156   board, may impose discipline on the licensee.

157           (2)   Each board, or the department if there is no board,  
158   shall permit a licensee to choose, at the time of licensure  
159   renewal, an active, ~~or~~ inactive, or retired status.

160           (4)   Notwithstanding any other provision of law to the  
161   contrary, a licensee may change licensure status at any time.

162           (a)   Active status licensees choosing inactive status at the  
163   time of license renewal must pay the inactive status renewal fee,  
164   and, if applicable, the delinquency fee and the fee to change  
165   licensure status. Active status licensees choosing inactive  
166   status at any other time than at the time of license renewal must  
167   pay the fee to change licensure status.

168           (b)   Active status or inactive status licensees choosing  
169   retired status at the time of license renewal must pay the  
170   retired status fee, not to exceed \$50, as established by rule of  
171   the board, or the department if there is no board. Active status  
172   or inactive status licensees choosing retired status at any other  
173   time than at the time of license renewal must pay the retired  
174   status fee plus the fee to change licensure status.

175           (c) ~~(b)~~   An inactive status licensee may change to active  
176   status at any time, if the licensee meets all requirements for  
177   active status. Inactive status licensees choosing active status  
178   at the time of license renewal must pay the active status renewal

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179 fee, any applicable reactivation fees as set by the board, or the  
180 department if there is no board, and, if applicable, the  
181 delinquency fee and the fee to change licensure status. Inactive  
182 status licensees choosing active status at any other time than at  
183 the time of license renewal must pay the difference between the  
184 inactive status renewal fee and the active status renewal fee, if  
185 any exists, any applicable reactivation fees as set by the board,  
186 or the department if there is no board, and the fee to change  
187 licensure status.

188 (10) Each board, or the department if there is no board,  
189 may by rule impose reasonable conditions, including full  
190 reexamination to assess current competency, necessary to ensure  
191 that a licensee who has been on retired status for more than 5  
192 years or a licensee from another state who has not been in active  
193 practice within the past 5 years and who applies for active  
194 status is able to practice with the care and skill sufficient to  
195 protect the health, safety, and welfare of the public.  
196 Reactivation requirements may differ depending on the length of  
197 time licensees are retired.

198 (12) Before reactivation, a retired status licensee must  
199 meet the same continuing education requirements, if any, and pay  
200 any renewal fees imposed on active status licensees for all  
201 biennial licensure periods in which the licensee was in retired  
202 status.

203 (13)~~(11)~~ The status or a change in status of a licensee  
204 does not alter in any way the right of the board, or of the  
205 department if there is no board, to impose discipline or to  
206 enforce discipline previously imposed on a licensee for acts or  
207 omissions committed by the licensee while holding a license,  
208 whether active, inactive, retired, or delinquent.

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CODING: Words stricken are deletions; words underlined are additions.

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209        Section 5. Subsection (5) of section 464.201, Florida  
210 Statutes, is renumbered as subsection (6), and a new subsection  
211 (5) is added to said section to read:

212        464.201 Definitions.--As used in this part, the term:

213        (5) "Practice of a certified nursing assistant" means the  
214 provision of care and assistance with tasks relating to the  
215 activities of daily living. Such tasks are those associated with  
216 personal care, maintaining mobility, nutrition and hydration,  
217 toileting and elimination, assistive devices, safety and  
218 cleanliness, data gathering, reporting abnormal signs and  
219 symptoms, postmortem care, patient socialization and reality  
220 orientation, end-of-life care, cardiopulmonary resuscitation and  
221 emergency care, residents' or patients' rights, documentation of  
222 nursing assistant services, and other tasks that a certified  
223 nursing assistant may perform after training beyond that required  
224 for initial certification and upon validation of competence in  
225 that skill by the registered nurse. This subsection does not  
226 restrict the ability of any person who is otherwise trained and  
227 educated from performing such tasks.

228        Section 6. Section 464.202, Florida Statutes, is amended to  
229 read:

230        464.202 Duties and powers of the board.--The board shall  
231 maintain, or contract with or approve another entity to maintain,  
232 a state registry of certified nursing assistants. The registry  
233 must consist of the name of each certified nursing assistant in  
234 this state; other identifying information defined by board rule;  
235 certification status; the effective date of certification; other  
236 information required by state or federal law; information  
237 regarding any crime or any abuse, neglect, or exploitation as  
238 provided under chapter 435; and any disciplinary action taken

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239 against the certified nursing assistant. The registry shall be  
240 accessible to the public, the certificateholder, employers, and  
241 other state agencies. The board shall adopt by rule testing  
242 procedures for use in certifying nursing assistants and shall  
243 adopt rules regulating the practice of certified nursing  
244 assistants that specify the scope of practice authorized and the  
245 level of supervision required for the practice of certified  
246 nursing assistants ~~to enforce this part.~~ The board may contract  
247 with or approve another entity or organization to provide the  
248 examination services, including the development and  
249 administration of examinations. The board shall require that the  
250 contract provider offer certified nursing assistant applications  
251 via the Internet, and may require the contract provider to accept  
252 certified nursing assistant applications for processing via the  
253 Internet. The board shall require the contract provider to  
254 provide the preliminary results of the certified nursing  
255 examination on the date the test is administered. The provider  
256 shall pay all reasonable costs and expenses incurred by the board  
257 in evaluating the provider's application and performance during  
258 the delivery of services, including examination services and  
259 procedures for maintaining the certified nursing assistant  
260 registry.

261 Section 7. Subsections (5) and (7) of section 464.203,  
262 Florida Statutes, are amended, and subsection (8) is added to  
263 said section, to read:

264 464.203 Certified nursing assistants; certification  
265 requirement.--

266 (5) Certification as a nursing assistant, in accordance  
267 with this part, may be renewed ~~continues in effect~~ until such  
268 time as the nursing assistant allows a period of 24 consecutive



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269 months to pass during which period the nursing assistant fails to  
270 perform any nursing-related services for monetary compensation.  
271 When a nursing assistant fails to perform any nursing-related  
272 services for monetary compensation for a period of 24 consecutive  
273 months, the nursing assistant must complete a new training and  
274 competency evaluation program or a new competency evaluation  
275 program.

276 (7) A certified nursing assistant shall complete 12 ~~18~~  
277 hours of inservice training during each calendar year. The  
278 certified nursing assistant shall be responsible for maintaining  
279 documentation demonstrating compliance with these provisions. The  
280 Council on Certified Nursing Assistants, in accordance with s.  
281 464.2085(2)(b), shall propose rules to implement this subsection.

282 (8) The department shall renew a certificate upon receipt  
283 of the renewal application and receipt of a fee. The department  
284 shall adopt rules establishing a procedure for the biennial  
285 renewal of certificates and the imposition of a fee of not less  
286 than \$20 and not more than \$50 biennially. Any certificate not  
287 renewed by July 1, 2006, is void.

288 Section 8. This act shall take effect July 1, 2005.

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A bill to be entitled

An act relating to corrections; amending s. 20.315, F.S.; abolishing the Florida Corrections Commission; amending s. 944.8041, F.S.; conforming references; requiring the annual report on elderly offenders within the correctional system to be submitted to the Governor in addition to the Legislature; amending s. 946.40, F.S.; permitting political subdivisions to reimburse the Department of Corrections for certain services of inmates and personnel of the department; amending s. 957.04, F.S.; revising requirements for contracts for the operation of private correctional facilities; conforming references; amending s. 957.07, F.S.; providing for the Prison Per-Diem Workgroup to develop certain rates on an as-needed basis; amending s. 957.12, F.S.; revising provisions relating to prohibitions on contact with respect to a request for proposals for a private correctional facility; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (7) through (13) of section 20.315, Florida Statutes, are renumbered as subsections (6) through (12), respectively, and present subsection (6) of said section is amended to read:

20.315 Department of Corrections.--There is created a Department of Corrections.

~~(6) FLORIDA CORRECTIONS COMMISSION.--~~

~~(a)1. The Florida Corrections Commission is hereby created.~~

~~The primary focus of the commission shall be on corrections;~~

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31 ~~however, in those instances in which the policies of other~~  
32 ~~components of the criminal justice system affect corrections, the~~  
33 ~~commission shall advise and make recommendations.~~

34 ~~2. The commission shall consist of nine members appointed~~  
35 ~~by the Governor subject to confirmation by the Senate. Members of~~  
36 ~~the commission shall serve terms of 4 years each. Members must be~~  
37 ~~appointed in such a manner as to equitably represent all~~  
38 ~~geographic areas of the state. Each member of the commission must~~  
39 ~~be a citizen and registered voter of the state. A member of the~~  
40 ~~commission shall represent the public safety needs of the state~~  
41 ~~as a whole and may not subordinate the needs of the state to~~  
42 ~~those of any particular area of the state. The commission's~~  
43 ~~membership should, to the extent possible, contain persons who~~  
44 ~~are knowledgeable about construction, health care, information~~  
45 ~~technology, education, business, food services, law, and inmate~~  
46 ~~and youthful offender rehabilitation and services.~~

47 ~~3. The commission is assigned to the office of the~~  
48 ~~Secretary of Corrections for administrative and fiscal~~  
49 ~~accountability purposes, but it shall otherwise function~~  
50 ~~independently of the control and direction of the Department of~~  
51 ~~Corrections.~~

52 ~~(b) The primary functions of the commission are to:~~

53 ~~1. Recommend major correctional policies for the Governor's~~  
54 ~~approval, and assure that approved policies and any revisions~~  
55 ~~thereto are properly executed.~~

56 ~~2. Periodically review the status of the state correctional~~  
57 ~~system and recommend improvements therein to the Governor and the~~  
58 ~~Legislature.~~

59 ~~3. Annually perform an in-depth review of community-based~~  
60 ~~intermediate sanctions and recommend to the Governor and the~~

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61 ~~Legislature intergovernmental approaches through the Community~~  
62 ~~Corrections Partnership Act for planning and implementing such~~  
63 ~~sanctions and programs.~~

64       ~~4. Perform an in-depth evaluation of the annual budget~~  
65 ~~request of the Department of Corrections, the comprehensive~~  
66 ~~correctional master plan, and the tentative construction program~~  
67 ~~for compliance with all applicable laws and established~~  
68 ~~departmental policies. The commission may not consider individual~~  
69 ~~construction projects, but shall consider methods of~~  
70 ~~accomplishing the department's goals in the most effective,~~  
71 ~~efficient, and businesslike manner.~~

72       ~~5. Routinely monitor the financial status of the Department~~  
73 ~~of Corrections to assure that the department is managing revenue~~  
74 ~~and any applicable bond proceeds responsibly and in accordance~~  
75 ~~with law and established policy.~~

76       ~~6. Evaluate, at least quarterly, the efficiency,~~  
77 ~~productivity, and management of the Department of Corrections,~~  
78 ~~using performance and production standards developed by the~~  
79 ~~department under former subsection (18).~~

80       ~~7. Provide public education on corrections and criminal~~  
81 ~~justice issues.~~

82       ~~8. Report to the President of the Senate, the Speaker of~~  
83 ~~the House of Representatives, and the Governor by November 1 of~~  
84 ~~each year.~~

85       ~~9. Resolve disputes between the Department of Corrections~~  
86 ~~and the contractors for the private correctional facilities~~  
87 ~~entered into under chapter 957 when a contractor proposes to~~  
88 ~~waive a rule, policy, or procedure concerning operation~~  
89 ~~standards.~~

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~~(c) The commission or a member thereof may not enter into the day-to-day operation of the Department of Corrections and is specifically prohibited from taking part in:~~

~~1. The awarding of contracts by the department.~~

~~2. The selection by the department of a consultant or contractor or the prequalification by the department of any individual consultant or contractor. However, the commission may recommend to the Secretary of Corrections standards and policies governing the procedure for selection and prequalification of consultants and contractors.~~

~~3. The selection by the department of a county for a specific project.~~

~~4. The selection by the department of a specific location for a correctional facility.~~

~~5. The employment, promotion, demotion, suspension, transfer, or discharge of any departmental personnel.~~

~~6. The enforcement of minimum standards for any county or municipal detention facility.~~

~~(d) 1. The chair of the commission shall be selected by the members for a term of 1 year.~~

~~2. The commission shall hold a minimum of four regular meetings annually, and other meetings may be called by the chair upon giving at least 7 days' notice to all members and the public pursuant to chapter 120. Meetings may also be held upon the written request of at least four members, upon at least 7 days' notice of such meeting being given to all members and the public by the chair pursuant to chapter 120. Emergency meetings may be held without notice upon the request of all members. The meetings of the commission shall be held in the central office of the Department of Corrections in Tallahassee unless the chair~~

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120 ~~determines that special circumstances warrant meeting at another~~  
121 ~~location.~~

122 ~~3. A majority of the membership of the commission~~  
123 ~~constitutes a quorum at any meeting of the commission. An action~~  
124 ~~of the commission is not binding unless the action is taken~~  
125 ~~pursuant to an affirmative vote of a majority of the members~~  
126 ~~present, but not fewer than four members of the commission must~~  
127 ~~be present, and the vote must be recorded in the minutes of the~~  
128 ~~meeting.~~

129 ~~4. The chair shall cause to be made a complete record of~~  
130 ~~the proceedings of the commission, which record shall be open for~~  
131 ~~public inspection.~~

132 ~~(e) The commission shall appoint an executive director and~~  
133 ~~an assistant executive director, who shall serve under the~~  
134 ~~direction, supervision, and control of the commission. The~~  
135 ~~executive director, with the consent of the commission, shall~~  
136 ~~employ such staff as are necessary to perform adequately the~~  
137 ~~functions of the commission, within budgetary limitations. All~~  
138 ~~employees of the commission are exempt from part II of chapter~~  
139 ~~110 and serve at the pleasure of the commission. The salaries and~~  
140 ~~benefits of all employees of the commission shall be set in~~  
141 ~~accordance with the Selected Exempt Service rules; however, the~~  
142 ~~commission shall have complete authority for fixing the salaries~~  
143 ~~of the executive director and the assistant executive director.~~

144 ~~(f) Members of the commission are entitled to per diem and~~  
145 ~~travel expenses pursuant to s. 112.061.~~

146 ~~(g) A member of the commission may not have any interest,~~  
147 ~~direct or indirect, in any contract, franchise, privilege, or~~  
148 ~~other benefit granted or awarded by the department during the~~

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149 ~~term of his or her appointment and for 2 years after the~~  
150 ~~termination of that appointment.~~

151 ~~(h) The commission shall develop a budget pursuant to~~  
152 ~~chapter 216. The budget is not subject to change by the~~  
153 ~~department, but such budget shall be submitted to the Governor~~  
154 ~~along with the budget of the department.~~

155 Section 2. Section 944.8041, Florida Statutes, is amended  
156 to read:

157 944.8041 Elderly offenders; annual review.--For the purpose  
158 of providing information to the Legislature on elderly offenders  
159 within the correctional system, ~~the Florida Corrections~~  
160 ~~Commission and~~ the Correctional Medical Authority shall ~~each~~  
161 ~~submit~~ annually prepare a report on the status and treatment of  
162 elderly offenders in the state-administered and private state  
163 correctional systems, as well as such information on the River  
164 Junction Correctional Institution. In order to adequately prepare  
165 the report ~~reports~~, the Department of Corrections and the  
166 Department of Management Services shall grant access to ~~the~~  
167 ~~Florida Corrections Commission and~~ the Correctional Medical  
168 Authority that ~~which~~ includes access to the facilities,  
169 offenders, and any information the authority requires ~~agencies~~  
170 ~~require~~ to complete the report ~~their reports~~. The review shall  
171 also include an examination of promising geriatric policies,  
172 practices, and programs currently implemented in other  
173 correctional systems within the United States. The report  
174 ~~reports~~, with specific findings and recommendations for  
175 implementation, shall be submitted to the Governor, the President  
176 of the Senate, and the Speaker of the House of Representatives on  
177 or before December 31 of each year.

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Section 3. Subsection (2) of section 946.40, Florida Statutes, is amended to read:

946.40 Use of prisoners in public works.--

(2) The budget of the department may be reimbursed from the budget of any state agency, ~~or~~ state institution, or political subdivision for the services of inmates and personnel of the department in such amounts as may be determined by agreement between the department and the head of such agency, ~~or~~ institution, or political subdivision. However, no political subdivision of the state shall be required to reimburse the department for such services during a state of emergency. In addition, a fiscally constrained county as defined in s. 985.2155 and the municipalities within such a fiscally constrained county shall not be required to reimburse the state for services provided pursuant to this section.

Section 4. Paragraphs (c) and (e) of subsection (1) of section 957.04, Florida Statutes, are amended to read:

957.04 Contract requirements.--

(1) A contract entered into under this chapter for the operation of private correctional facilities shall maximize the cost savings of such facilities and shall:

(c) Require that the contractor seek, obtain, and maintain accreditation by the American Correctional Association for the facility under that contract. Compliance with amendments to the accreditation standards of the association is required upon the approval of such amendments by the Department of Management Services ~~commission~~.

(e) Establish operations standards for correctional facilities subject to the contract. However, if the department and the contractor disagree with an operations standard, the



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contractor may propose to waive any rule, policy, or procedure of the department related to the operations standards of correctional facilities which is inconsistent with the mission of the contractor to establish cost-effective, privately operated correctional facilities. The Department of Management Services ~~Florida Corrections Commission~~ shall be responsible for considering all proposals from the contractor to waive any rule, policy, or procedure and shall render a final decision granting or denying such request.

Section 5. Paragraphs (a) and (e) of subsection (5) of section 957.07, Florida Statutes, are amended to read:

957.07 Cost-saving requirements.--

(5) (a) ~~By February 1, 2002, and~~ Each year, thereafter as needed, the Prison Per-Diem Workgroup shall develop consensus per diem rates to be used when determining per diem rates of privately operated prisons. The Office of Program Policy Analysis and Government Accountability, the Office of the Auditor General, and the staffs of the appropriations committees of both the Senate and the House of Representatives are the principals of the workgroup. The workgroup may consult with other experts to assist in the development of the consensus per diem rates. All meetings of the workgroup shall be open to the public as provided in chapter 286.

~~(e) This subsection supersedes the proviso language immediately following Specific Appropriation 570 in the Conference Report on CS for SB 2-C.~~

Section 6. Section 957.12, Florida Statutes, is amended to read:

957.12 Prohibition on contact.--A bidder or potential bidder is not permitted to have any contact with any member or

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238 employee of or consultant to the Department of Management  
239 Services ~~commission~~ regarding a request for proposal, a proposal,  
240 or the evaluation or selection process from the time a request  
241 for proposals for a private correctional facility is issued until  
242 the time a notification of intent to award is announced, except  
243 if such contact is in writing or in a meeting for which notice  
244 was provided in the Florida Administrative Weekly.

245       Section 7. This act shall take effect July 1, 2005.

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A bill to be entitled  
An act relating to retirement; amending s. 121.71, F.S.;  
revising the payroll contribution rates for the membership  
classes of the Florida Retirement System for the state  
fiscal years effective July 1, 2005, and July 1, 2006;  
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) of section 121.71, Florida  
Statutes, is amended to read:

121.71 Uniform rates; process; calculations; levy.--

(3) Required employer retirement contribution rates for  
each membership class and subclass of the Florida Retirement  
System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, <u>2005</u> <del>2004</del>	Percentage of Gross Compensation, Effective July 1, <u>2006</u> <del>2005</del>
Regular Class	6.20%	9.98%
Special Risk Class	17.34%	22.16%
Special Risk Administrative Support Class	8.73%	12.55%

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	Elected Officers' Class - Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	11.30%	15.82%
21	Elected Officers' Class - Justices, Judges	17.46%	20.78%
22	Elected Officers' Class - County Elected Officers	14.04%	17.73%
23	Senior Management Class	8.18%	11.64%
24	DROP	8.00%	11.56%

25

26

Section 2. This act shall take effect July 1, 2005.

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A bill to be entitled  
An act relating to the enforcement of farm labor laws;  
amending s. 450.38, F.S.; requiring that funds for the  
enforcement of farm labor laws be transferred to the  
Professional Regulation Trust Fund within the Department  
of Business and Professional Regulation from the Workers'  
Compensation Administration Trust Fund within the  
Department of Financial Services; authorizing the  
appropriation of moneys for such purpose; providing an  
effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (8) is added to section 450.38,  
Florida Statutes, to read:

450.38 Enforcement of farm labor laws.--

(8) Funds for the enforcement of the farm labor laws shall  
be transferred to the Professional Regulation Trust Fund within  
the Department of Business and Professional Regulation from the  
Workers' Compensation Administration Trust Fund within the  
Department of Financial Services.

Section 2. In addition to the purpose of the Workers'  
Compensation Administration Trust Fund specified in section  
440.50(1)(a), Florida Statutes, funds in the Workers'  
Compensation Administration Trust Fund within the Department of  
Financial Services may also be appropriated to fund the  
enforcement of farm labor laws by the Department of Business and  
Professional Regulation.

Section 3. This act shall take effect July 1, 2005.

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A bill to be entitled  
An act relating to the procurement of commodities or contractual services; amending s. 287.057, F.S.; requiring that the Department of Management Services compensate a provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requiring that the provider report transaction data to the department; requiring that fees due to the state on a transactional basis or as a fixed percentage of savings generated be deposited into the State Treasury; requiring that a vendor pay interest on the balance of fees remaining due and unpaid; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (c) of subsection (23) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.--

(23)

(c)1. The department may impose and shall collect all fees for the use of the on-line procurement systems. Such ~~The~~ fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of such services, including administrative and project service costs in accordance with the policies of the department. All fees and surcharges collected under this paragraph shall be deposited into the Grants and Donations Trust Fund as provided by law.

2. If the department contracts with a provider for on-line

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procurement, the department, pursuant to appropriation, shall  
compensate the provider from such fees after the department has  
satisfied all ongoing costs. The provider shall report  
transaction data to the department each month so that the  
department may determine the amount due and payable to the  
department from each vendor.

3. All fees that are due and payable to the state on a  
transactional basis or as a fixed percentage of the cost savings  
generated are subject to s. 215.31 and must be remitted within 40  
days after receipt of payment for which such fees are due. For  
any fees that are not remitted within 40 days, the vendor shall  
pay interest at the rate established under s. 55.03(1) on the  
unpaid balance from the expiration of the 40-day period until the  
fees are remitted. ~~For the purposes of compensating the provider,~~  
~~the department may authorize the provider to collect and retain a~~  
~~portion of the fees. The providers may withhold the portion~~  
~~retained from the amount of fees to be remitted to the~~  
~~department. The department may negotiate the retainage as a~~  
~~percentage of such fees charged to users, as a flat amount, or as~~  
~~any other method the department deems feasible. All fees and~~  
~~surcharges collected under this paragraph shall be deposited in~~  
~~the Grants and Donation Trust Fund as provided by law.~~

Section 2. This act shall take effect July 1, 2005.

→→

BILL PCB 05-12

ORIGINAL

YEAR

1                                   A bill to be entitled  
2           An act relating to employee benefits; providing for the  
3           resolution of certain collective bargaining issues at  
4           impasse between the State of Florida and certified  
5           bargaining units of state employees; providing an  
6           effective date.

8   Be It Enacted by the Legislature of the State of Florida:

9  
10           Section 1. All economic collective bargaining issues at  
11 impasse for the 2005-2006 fiscal year between the State of  
12 Florida and the legal representatives of the certified bargaining  
13 units for state employees shall be resolved pursuant to the  
14 instructions provided in Senate Bill 2600, 2005 Regular Session,  
15 and the relevant provisions of any legislation enacted to  
16 implement Senate Bill 2600.

17           Section 2. All noneconomic collective bargaining issues at  
18 impasse for the 2005-2006 fiscal year between the State of  
19 Florida and the legal representatives of the certified bargaining  
20 units for state employees shall be resolved consistent with the  
21 personnel rules in effect on March 8, 2005, and the relevant  
22 provisions of any legislation modifying the terms and conditions  
23 of state employment.

24           Section 3. This act shall take effect upon becoming a law.



